

The Tail Is Wagging the Dog:

The Evolution of Spanish Immigration Policy

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Master Thesis

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UNIVERSITY OF OSLO

May 25th, 2010

The Tail Is Wagging the Dog

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Year: 2010

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Abstract

This study is a single case study of the evolution on the Spanish immigration policy field. The research question of the study is divided into two main focuses, one empirical and one theoretical. The first is *what are the changes in the Spanish immigration policy and in the administrative organization of the policy field since 1985 up until today?* The second, more theoretically oriented research question is *how well do the three perspectives from organizational theory account for these changes?*

By using the different perspectives of organizational theory, it is argued that it has been possible to reach a comprehensive understanding of the Spanish immigration policy field. The instrumental perspective focuses on the changes of formal structures and regulations. The cultural perspective has shown that the institutional context of the Spanish economy has severely limited the options open to politicians on the field. Finally, the myth perspective has been able to reveal disparities between symbolic statements by Spanish political actors and the actions that they have pursued in practice when it comes to immigration policy.

Word count: 37 450

Acknowledgments

Firstly, I would like to thank my advisor, Tom Christensen, for excellent academic advice. Thank you for the guidance throughout the process.

I thank Lorenzo Cachón for letting me interview him, for inviting me to the GEMI Seminar 2009, and not least for putting me on the track of further relevant information and informants. Ghassan Saliba in the Comisiones Obreras in Catalonia deserves a thank you for letting me interview him and providing me inside information of Spanish political processes. I would like to thank John Casey for letting me interview him and encouraging me on my further work.

I am grateful to Asbjørn, who has helped me by giving me useful input and pedagogic advice. I thank my mother, Bitt-Bett, for helping me by reading through and correcting the orthography. Thank you dad, you have given me a brilliant computer which I have used nonstop in this process. I would also like to thank my fellow students at the Department of Political Science for making me realize that I have never been alone.

A very special thanks to Ingunn, you are the anchor of my existence.

All faults and mistakes are mine alone,
Yngve Schrøder Tufteland

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1 Introduction

1.1 A Perilous Journey

In 2006, European mass media were flush with reports about the increasing waves of irregular immigrants to the Spanish Canary Islands. The immigrants were arriving in small African fishing boats, converted to bringing as much as seventy immigrants in each load, from as far as Mauritania (El País). Spanish politicians were alarmed, and obviously felt that they had to take measures in order to prove that they were on top of the situation (Ospina 2008:351). Through the many reports of interceptions at sea and drowning immigrants, it appeared that irregular boat immigrants from North and Sub-Saharan Africa were virtually flooding the Canary Islands, as well as the south of the Spanish mainland. The numbers of irregular immigrants in Spain had grown exponentially over the last decade. But if media may give the impression that the most common way of arriving illegally in Spain is by boat, only a very small percentage of Spain's total number of immigrants do so (Cachón and Laparra 2009:28). Even though until at least 2006 the majority of immigrants in Spain were irregular, in nearly all cases they became irregulars through much less dramatic procedures, most commonly through overstaying their visa. In addition, the arrivals of boat immigrants have decreased significantly since the dramatic peaks of 2006 (Rubalcaba 2009 [Press conference]). Nevertheless, because of Spain's recent history, Spain's geographic position which makes it the south-western gatekeeper of the European Union and the relative importance of irregularity, there are aspects in Spanish immigration policy that makes it a very interesting research topic.

By immigration policy, I exclusively refer to the formal rules and their implementation concerning entering, permanence and work permits for people other than Spanish nationals. Thus, I will not analyze Spanish policy concerning the integration of immigrants in Spanish society in order to delimit the scope of the thesis. Consequently, the thesis is devoted to the measures taken to obtain an orderly management of immigration flows. This seems logical when the object of study is apparently characterized by a system of immigration based on irregularity. As EU

regulations have meant that communitarian citizens have roughly the same right to work and live in Spain as Spanish nationals, I will also only discuss the evolution of Spanish immigration policy when it comes to third country nationals, i.e. citizens from outside the European Union or the European Economic Area. This is illustrated by that Romanians represented a very important group of the irregular immigrants living and working in Spain before 2007, the year Romania entered the European Union (Saliba 2010 [Telephone interview]). But as they from this year did not need permits for working and living in Spain anymore, the result was that the number of irregular immigrants in the country decreased substantially.

1.2 Research Question

My research question will be divided into two parts: Firstly, *what are the changes in the Spanish immigration policy and in the administrative organization of the policy field since 1985 up until today?* In this part, the answer will largely consist of revealing the major evolutions when it comes to the overarching strategies that have been implemented on the policy field. Key concepts such as specialization principles and political control will in addition indicate the kinds of approaches that have been applied to the policy field during the period. The second part of the research question is *how well do the three perspectives from organizational theory account for these changes?* Here, I will explicitly interpret the main findings with the theoretical approaches from organizational theory. Expectedly, not any one of the perspectives will be able to analyze every aspect of the evolutions. If it were so there would be no reason to use three perspectives. Instead, the perspectives will be applied as lenses that help to focus on different aspects. The ambition is to achieve a comprehensive explanation of the empirical findings. In this way, the choice of research question has led to a theory interpreting case study research design.

1.3 Theoretical Approaches

I will analyze the Spanish immigration policy by employing various theoretical insights from several contributions of the three different perspectives from

organizational theory: the instrumental perspective, the cultural perspective and the myth perspective. I have decided to use these insights because they provide very useful lenses when one studies public policy, as it is possible to discern different relevant aspects, both formal and informal, of institutions and policy fields. By using three different perspectives it is possible to learn more about the object of study than through just one single point of view (Scott 2003:30). The theoretical justification for employing the perspectives on an entire policy field is that policy fields, in the same way as institutions, assign normatively backed rights and responsibilities to actors and provide for their “public” enforcement (Streeck and Thelen 2005:17). The perspectives have for example been used to study reforms and the effects of reforms in Norwegian immigration policy (Christensen et al 2006).

The first one of the theoretical perspectives is the instrumental perspective, which emphasizes that public organizations are first and foremost tools which rational policy-makers use to reach certain goals (Christensen et al 2004:30). The way that the organizational structure is made is expected to determine the activities of its members. Through directing the organizational actors towards certain procedures and goals, a carefully designed structure will make politicians able to reach their goals. Accordingly, in immigration policy, it would be assumed that politicians, who have relevant knowledge of their country’s need for labor, establish public agencies that efficiently process applications for visas and work permits. Further, the governing politicians will decide the horizontal and vertical linkages of the agencies concerned with immigration issues in the most rational way (Christensen et al 2004:35-36). Still, if the instrumental perspective was to depict a precise picture of actual public policy, it would be possible to explain any malfunction with incorrect organizational structure.

However, as the cultural perspective suggests, it might not be that simple. Not only formal structures count, but also the actual ability to exercise what the formal structure prescribes. A culture of informal economy will be very difficult to discover if one only studies the laws of a country. In the cultural perspective, leaders of institutions and politicians are not seen as acting proactively by adapting structures as means to obtaining predefined goals. It is instead considered that goals are discovered along the way and informal identities, values and norms are developed within the

institution over time (Selznick 1997:41). On one hand, this makes the actors within the organization identify themselves with the organization, which makes it robust and more apt in solving its tasks. The more an organization or a policy field possesses these traits, the more they are considered institutions; they become institutionalized. As fulfilling their tasks as members of the institution will be a form of fulfilling their own life projects, it is expected that they have a considerable desire for making the institution work properly. On the other hand, when organizations become institutionalized and come to be regarded as goals of their own, it will in the next turn become all the more difficult to change their goals and methods. This may pose a problem for policy makers who wish to adapt public organizations to changing challenges in society. I will explore both a conventional and an alternative view on the roles of informal versus formal rules in the cultural perspective, and on how different approaches of the cultural perspective regard the possibilities for institutional change. The last aspect is important because it might provide insights for analyzing the dynamics between the Spanish immigration policy and the institutionalized immigration context. The first is important because one may suspect that certain informal rules and values persist and even overshadow the formal ones on the policy field. The relative importance of the Spanish informal sector might be so big that in practice, formal rules on immigration and contracting immigrants are ignored.

This brings us to the myth perspective, which is based on the assertion that public institutions, as well as other organizations, exist in an institutionalized environment (Christensen et al 2004:66). The institutionalized environment confronts the organizations with demands of what is to be regarded as proper ways of formal organizational structure. Organizations can therefore not base their existence entirely on technical efficiency, but must also legitimate themselves by conforming to the institutional environment. However, as the classical myth perspective approach argues, that new formal structures are imposed in a policy field, or on other institutions does not mean that they will be reflected in the behavior of the members of these entities. To deduce from a formal ratification of the 'zero immigration' principle that immigration does not occur is seriously misguided, if in reality it only leads to a growing irregular immigration. The decoupling of structure and content makes it easier

for members to maintain their modes of action. But as formal structure is generally highly regarded in modern society, it is also a golden opportunity for leaders and policy makers to symbolically signalize their action capabilities to the institutional environment. In a domain as the immigration policy field, the complex reality on the ground might provoke politicians to take such symbolic steps. In the virus theory though, which is the alternative elaboration of the myth perspective, it is argued that over time it will be very difficult to keep the formal structure and actions apart. This is because the formal structure will be translated more and more into actual practice (Røvik 2007:350).

1.4 Case Study Research Design

As all case studies necessarily are cases of a larger family of comparable phenomena, it is useful to indicate what kind of theoretical universe the study is supposed to be a case of (Andersen 2005:61). I will explicitly place the Spanish immigration policy within a European context, and also in comparison to other Southern European countries, and I will demonstrate how the Spanish case distinguishes itself. The case study design allows one to thoroughly explore a delimited theme and discover causal mechanisms that can be difficult to discover with more quantitative oriented studies. As the immigration policy field is expected to be of a complex nature, with important details that at first glance may seem insignificant, I argue that the single case study design is appropriate for my thesis. However, the case study design also poses methodical dilemmas, the most notable being how it is possible to generalize from a single case study to the theoretical universe (Gerring 2004:348). This problem as well as the more virtuous aspects of the case study design will be thoroughly discussed in the method chapter.

Accordingly, data gathering in such a qualitative study will not be limited to only one type of source. Official documents, juridical commentaries, secondary literature and interviews are being used to obtain a rich description that has potential to reveal the essence in regard to the object of study and making the complexity understandable. The method of telephone interviewing is used in some of the

interviews instead of interviews in person. Qualitative telephone interviewing has received little attention in the general method literature, in opposition to quantitative telephone surveys (Sturges and Hanrahan 2004:107). But it will be argued that telephone interviewing does not pose serious problems for the data gathering in this study.

1.5 Immigration Policy in Spain: Why Is It Interesting?

When it comes to the phenomenon of migration, Spain was earlier first and foremost a country of emigrants. In fact it still is, as over 1.5 million people of Spanish nationality are living abroad today (INE 2010). As Spain was an underdeveloped country, compared to its European neighbors to the north, it was understandably not a very attractive country to emigrate to. In the last couple of decades however, the country has experienced formidable transformations, both in political and economical terms. First, I will argue why Spain's immigration policy is an interesting study object. This is grounded on the particularities of Spain's recent history, economic development, and also on its particular geographic position on Europe's south-western border.

Spain is today a fully integrated Member Country of the EU, but when it comes to the democratic development during the past 50 years the country has a far more dramatic history than the majority of other Western European countries. Even if the democratic transition restarted at the death of Generalissimo Franco in 1975, it took more than 10 years until democracy was consolidated in Spain. The turbulence of the transition from the Francoist regime had its dramatic climax in the last failed military coup attempt in Western Europe as late as in February 1981 (Colomer 1991:1294).

At the economic level, Spain has experienced several periods of both boom and crisis, but overall the development have been prosperous, with Spain ranking as the 4th largest economy in the Euro-zone in 2008 (CIA). The economic development is also important to understand the complete turn-around in the Spanish migration patterns. Earlier, when Spain was lagging behind in both democratic and economic terms, the country was mainly a provider of emigrants as cheap labor to the richer Western

European countries, especially during the 1950s (Casey 2010 [Telephone interview]). Some very few relatively developed regions in Spain such as Catalonia also experienced internal migration of poor Spaniards, from for instance the rural regions Extremadura and Andalucía. At the dawn of European mass tourism in the 1960s, Spain slowly started its recovery from the economic underdevelopment as the economic isolation policy was abandoned (Fugelstad 2004:209). Since the oil crisis in 1973, and later the economic take-off in Spain from the 1980s and onwards, most of Spain's emigrants have returned to a country in demand of labor. Spain became a net importer of labor in the 1980s, and the number of immigrants in the country has risen from the total of 182 045 in 1980 to 1 572 017 in 2002 (Moreno 2004:9). The integration of Spain into the EEC/EU, the economic transformation and the political transition are three somewhat interconnected processes that have substantially shifted Spain's position in the international migration system (Moreno 2004:1). This new pattern of migration makes the Spanish immigration management policy a particularly interesting object of study, as policy makers were faced with a phenomenon that they had not experienced earlier.

This thesis is to be seen as a small contribution to the research already conducted on Spanish immigration policy. Amongst the contributions which are written in English are Geddes' (2003) book on the politics of immigration in Europe in general, which includes a central view that suggests a particular model of persisting irregular immigration in Spain, as well as in other Southern European countries (Geddes 2003: 171). Kitty Calavita (1998, 2003) has also conducted studies with a legalistic focus on Spain's immigration policy, where the troubles of Spanish bureaucracy are emphasized (for example Calavita 1998: 548). In Spanish, Zapatero-Barrero's (ed 2009) book concerning the challenges of public policy in relation to the immigration policy field should be mentioned. There are also other studies of the theme in the political geography field, which mainly focus on Spain's delicate geographic position. These studies focus on Spain's land border with Africa (from the Spanish enclaves Ceuta and Melilla) and the maritime border in the Gibraltar Strait, have been conducted by for example Ferrer-Gallardo (2008). In Spain, there have been done various sociological studies on the country's immigration policy, in particular

from the labor market perspective (Cachón 2002, Cachón 2009 and Cachón and Laparra 2009). I have not been able to find political science studies concerning Spanish immigration policy employing organizational theory. Therefore, as I will explicitly study Spain in the EU context, my ambition is to provide a thesis that contributes to the ongoing research and debate on immigration policy in Europe.

1.6 The Main Evolutions of Spanish Immigration Policy from 1985 onwards

Before 1985, Spain did not have an immigration law, and as indicated the number of immigrants in the country was very low. As late as in 1986, there were only 30 000 immigrants living in Catalonia, which is the region that has received most immigration in Spain (Saliba 2010 [Telephone interview]). The late formalization of the Spanish immigration law is one of the main reasons of the time scope limitation in this thesis. The other main reason is that the numbers of immigrants started to grow significantly not much later than this year. Spain was to join the European Economic Community (the predecessor of the European Union) in 1986. As a consequence, the country had to put in place norms on the immigration field that were somewhat comparable to the laws in other European countries. It is therefore considered by some that the first immigration law in Spain was more a result of the accommodation to communitarian norms, than from attempting to regulate an existing problem (Ospina 2008:312).

The current immigrant regulations in Spain divide sharply between irregular and regular immigrants (Cachón 2009:166). What is often the result for irregular immigrants is that they can only obtain employment in the underground economy.

When Spain passed its first immigration law, the explicit intent was both to evade irregular immigration, and at the same time to guarantee the rights of foreigners in Spain. One of its results though, was that more than 90 000 immigrants from countries from outside the EEC, or a small number of countries with whom Spain at the time had special agreements for, became illegal overnight (Calavita 1998:544). A main principle in Spain's policy since this first immigration law has been to adapt the numbers permitted to enter Spain legally to the "national situation of employment"

(Cachón 2009:177, author's translation). This means that the various Spanish governments ideally would want immigrants who reflect in numbers and characteristics the needs of the Spanish labor market. However, more often than not, this has meant that immigrants have been excluded from the formal Spanish labor market.

From the late eighties, the immigration numbers in Spain picked up pace, and especially North African immigrants came to be an important group amongst immigrants in Spain, as well as Latin Americans. In the early 2000s the number of irregular immigrants in Spain had grown from nearly insignificant quantities to an estimated 1.5 million (Moreno 2004:9).

A closely linked phenomenon to the persisting irregularity in Spain has been the various regularization processes, which have meant that irregular immigrants have gotten their statuses formalized. For example, the last process in 2005, led to the regularization of nearly 600 000 people. In economic terms, the process led to significant higher revenues for the Spanish state as hundreds of thousands of irregular immigrants consequently became tax-payers (Pabón López 2007:31). However, questions have been raised whether these processes induce further illegal immigration in the long run. This concern is due to that would be irregular immigrants might expect that they will achieve a formalized status within a tolerable amount of time (Cachón 2002:113). Even if the "national situation of employment" principle represents the outspoken ideal for Spanish policy makers of varying party affiliations, they seem incapable of providing regulations that are adapted to the demands of Spanish labor market. The economic take-off in Spain has produced up until the current economic crisis vast demands for unskilled labor in particularly the service and construction sectors (Cachón 2002: 120-121). Combined with the possibility for finding informal work, this has led to that the most normal way of immigration became the irregular one.

Attempts to put an end to the virtual inexistence of means of entering Spain legally were started in 1993, when an annual quota system for foreign workers was created. The problem of this solution was that people being hired through the quotas

were foreign persons already living (illegally) in Spain, so it was in no way a credible dissuasion to irregular immigration.

Two reforms of the immigration law were seen through in the Spanish parliament in the year 2000. The first one was a result of extensive compromise between the rightist minority government of the PP and the opposition, as well as other political actors, such as the unions (Ospina 2008:322). The original outcome was an extension of foreigners' rights, and even irregular immigrants gained legal access to health services and the right to unionize. However, these rights were revoked in the second immigration reform law the same year, as the PP gained the absolute majority after the general elections in 2000 and was able to push through for a reform that suited more their restrictive principle of 'zero immigration' (Saliba 2010 [Telephone interview]). Eventually, the tougher immigration law did not seem to lead to a decrease in irregular immigration, as the sectors which resorted to immigrant labor are estimated to have continuously expanded between 2000 and 2004, particularly in the submerged economy.

When the socialist PSOE won the general elections in 2004, this originally led to a new official approach to Spanish immigration policy, as it turned towards acknowledgements of immigrants' rights, a more active integration policy and more effective management of migration flows (Cachón 2009 [Interview]). Both unions and employers' associations had come to regard the large numbers of irregular immigrants, working in a growing submerged economy, as a major problem (CES 2004:126). They then presented their concerns and propositions for solutions, which to a great extent served as the political philosophy that eventually led to the creation of the system for contracting workers in their countries of origin. However, a complementary aspect was insisted on when the system was implemented. This included the requirement that the countries which were to provide the legal work immigrants had to accept repatriation treaties for irregular immigrants (Rumí 2004). Diverging views on the system for contracting labor in countries of origin remain. Some consider that at least the possibility for legal entry is a leap forward (Cachón 2009 [Interview]). Others, like the union Comisiones Obreras, consider that the system is not nearly agile enough (Saliba 2010 [Telephone interview]).

The boat immigrant crisis of 2006 resulted in an alarmist discourse by Spanish policy makers and contributed to a growing perception in the Spanish public of immigrants as a threat (Cachón and Laparra 2008:27). The boat immigrant crisis also coincided with the starting point of a changing political climate in the immigration debate in Spain. However, the economic crisis, into which Spain started to enter around 2005, is considered a more fundamental explication factor for this, as even the socialist PSOE is considered to have adopted a more anti-immigration discourse (Saliba 2010 [Telephone interview]). The more restrictive stance on immigration by the PSOE is also reflected in the latest reform in Spanish immigration policy in November 2009, which limits the possibilities for family reunification.

1.7 The Structure of the Thesis

In the second chapter of this thesis I will thoroughly explain the different approaches to the theoretical perspectives. I will show that the three perspectives offer different lenses for studying both formal and informal aspects of the Spanish immigration policy field.

I will explore both the stronger and the weaker sides of the chosen case study research design in the third chapter, which is dedicated to methodology. Here, I will also argue why the qualitative interview method is well suited for obtaining fulfilling data on Spanish immigration policy.

In the fourth chapter I will provide the detailed empirical account of the changes in Spanish immigration policy from 1985 to the end of 2009.

I will then employ the theoretical perspectives to analyze the main aspects of Spanish immigration policy and assess the changes which have taken place.

In the sixth and final chapter, I will sum up the main findings and offer my conclusion. This will also include an evaluation of how well suited the theoretical approaches are for explaining Spanish immigration policy.

2 The Perspectives of Organizational Theory

2.1 The Instrumental Perspective

2.1.1 The Essence of Structure

In the instrumental perspective, the formal structure of organizations is emphasized, understood as a structure that is composed of positions and rules that tell how and by who the different organizational tasks are to be implemented (Christensen et al 2004:31). Within the instrumental organizational theory perspective, the organization, which possesses highly formalized structures, is regarded as a tool for obtaining one or several goals (Scott 2003:26). For instance, a ministry is put in place to achieve some fundamental goals in society, like fighting unemployment. In the next turn, the formal structure is put in place in order to reach this goal. The structure defines the roles and tasks of for instance administrative leaders, financial controllers and clerks who have the regular contact with clients. The main virtue of the organization in this view is that it enables humans, who have limits to their rationality, to systemize their knowledge, needs and objectives in more completely rationalized organizations (Egeberg 1984:27).

Through specifying participants' rights and obligations, the formal structure guides organizational behavior. This means that the expectations which meet organizational actors are only concerned with their formal position within the organization (Scott 2003:35). In addition, the formal structure is made explicit in the rules and instructions that these actors are concerned with, for example which kind of actors that have access to certain decisions. Revealing the formal organization of the Spanish immigration policy field will therefore be essential for analyzing the empirical material with the instrumental perspective. Normally, the formal structure makes it clear how the tasks of the organization are supposed to be specialized and coordinated.

2.1.2 Principles of Specialization and Coordination

Predictability and not randomness is what one expects from public organizations, and this is ensured by the bureaucratic organization. Moreover, the tasks that are specialized in the same public organizations are considered in relation to each other (Egeberg 1984:30-31). The main principles of horizontal specialization are the specialization by place, by purpose, by process or by clientele (Simon 1997:30). It can be argued that public immigration management organizations might be specialized based on any of these main principles. This is because they may be concerned with the management of national borders (by place). At the same time, they have a specific function of imposing national prerequisites for foreigners who enter and work on the national territory (by purpose) and is concerned with a particular group of people (by clientele). However, one main principle is in most cases chosen, and this has implications for public policy. This is the reason why determining the horizontal specialization principles at different stages of Spanish immigration history is important. In order to do this, it will be particularly interesting to observe which ministries that are concerned with immigration policy. The idea is that this might be telling in the choice of horizontal specialization principle.

The vertical specialization refers to what kinds of tasks that are assigned to the different levels of the organizational hierarchy (Christensen et al 2004:34). The State Secretariat on Immigration and Emigration in the Spanish Department of Work for instance is responsible for developing immigration policy in general, while the Public Employment Service, which is situated on the operational level, is responsible for the practical handling of potential immigrants' applications (Secretaría de Estado de Inmigración y Emigración; Servicio Público de Empleo). As organizations are seen as means to achieve goals, and as actual decision making is expected to be tightly linked with the formal structure, the information seeking and problem solving will mostly take place within the organizational borders (Egeberg 1984:35). It is therefore expected that a merger of different organizational units will make it easier to balance and obtain a higher degree of coordination. This was for example the intention when the Spanish government in 2004 established the State Secretariat concerning all

matters that had to do with immigration (Rumí 2004). Empirical research has shown that whether a government service is organized within the departmental structure or on the outside of it has consequences for the policy outcomes (Egeberg 1984:66). If the organizational leadership of the government service is located within the departmental structure, it is expected that the political control will be tighter. The establishment of the Secretariat of Immigration within the Ministry of Labor in Spain in 2004 was an example of tight political control. The establishment of the Norwegian Directorate for Foreigners represented on the other hand the intention to separate day to day immigration management from politicians (Christensen et al. 2006: 70). The linkages between the different hierarchical levels in the Spanish immigration administration will in this way be studied since they might contribute in the explanation of policy outcomes.

The importance of the formal structure on actual behavior may diverge on the different levels of a hierarchical organization, which can be roughly divided into the leadership level, the administrative level and the operational level (Egeberg 1984:44). At the most specialized level, the operational one, objectives and expectations are relatively simple. The formal structure has a greater importance at this level, as formal roles are more specified. A clerk working in a government service, which is concerned with issuing work permits for immigrants, is an example of this limited scope of objectives: If an immigrant complies with the formal norms for obtaining it, the work permit is issued. At leadership level though, goals might be complex, ambiguous and contrasting, which means that formal roles are not as easily shaped at this level. The choices that a minister responsible for immigration makes are therefore not only contingent on formal structure, and more dependent on his personal convictions.

When it comes to organizational change according to the hierarchical variant of the instrumental perspective, this is another specialized function, as particular subunits have the tasks of organizational development (Egeberg 1984:47). There might be procedures that are made explicit in the formal normative structure of how organizational change is to be undertaken. In Fayol's strict hierarchical model, the major coordination principles through which all participants are linked into a single pyramidal structure include the unity-of-command and the span-of-control (Scott

2003:41). The span-of-control means that for instance a manager of a national employment office should not have more subordinates than he or she can effectively supervise. In the coalition variant, the organizational development procedures are even more evident, as modern societies possess various conflict-reducing mechanisms as elections and bargaining between employers and unions.

The bigger an organization is, if one defines size as the number of organizational participants, the more the level of formalization will tend to be high (Egeberg 1984:57). Accordingly, it will be explored whether an increase in the volume of immigration to Spain has led to a greater formalization on the policy field. However, the instrumental implementing of organizational goals in accordance with the principles of purpose rationality does not mean that these goals themselves are not irrational or foolish (Scott 2003:33). For example, if one only seeks to delimit illegal boat immigration, it could be an efficient deterrent to follow up on the Italian extreme rightist politician Umberto Bossi's request from 2003 to sink the immigrants' boats with naval ships, even if that would be a morally unacceptable solution (Cavalera 2003). No moral judgment will therefore be passed of organizational goals when the Spanish immigration policy field is being analyzed with the instrumental perspective. What is in focus is how effective the policy that is being led is in attaining the goals that policy makers set.

2.1.3 Organizational Goals

The goals of organizations, understood as desired ends, vary in how specific or vague they are (Simon 1997:142). If the goals are specific, it is easier to understand what kind of measure should be employed to obtain them, than if the goals seem ambiguous or vague. However, even organizations which possess vague overarching goals, organization structure and policy are reflecting relatively specific goals. Purpose rational actions consist of four different phases: Deciding the goals of the organization, then finding out what alternative actions that are possible. The consequences of each alternative action must also be accounted for. The last phase consists of deciding the rules of how to decide amongst alternatives (Christensen et al 2004:32). Even if

organizational members possess limited knowledge and ability, and organizational goals are vague, these goals may serve to construct means-end chain with a hierarchy of goals (Scott 2003:51). In this way, specific formal procedures and rules are provided even if goals are vague. Following this logic, it will be analyzed how the overarching goals on the Spanish immigration policy field are divided into a series of more concrete subgoals. In practice, the expression of these subgoals will be studied in the arrangements of policy content and organization on the immigration policy field.

The very formalization process, it is asserted in the instrumental perspective, has a number of consequences. It strongly favors the smooth functioning of the organization, independently of the feelings between its members (Scott 2003:37). In modern western societies, which possess many of the rational-legal features of Weber's ideal type bureaucracy, the public administrative structures must be predictable both for superiors and subordinates (Scott 2003:47). This is in opposition to despotic states, like for example Spain during the Franco dictatorship, which remained a police state until its end (Fuglestad 2004:210). Contrastingly, in a rational-legal system subordinates behave predictably through the specificity of their roles and obligations, while superiors are prevented from making arbitrary decisions. In addition, as they owe their allegiance to an impersonal organization, even lower administrative officials enjoy greater levels of professional autonomy. This means that they may question orders from superiors if these are not in accordance to the guiding principles.

2.1.4 The Coalition Variant of the Instrumental Perspective

The formal organizations that have been described above may give the impression that organizations represent the coming together of actors who share the same goals and beliefs, and rationally pursue them at least partly rationally. Nevertheless, subgroups and individuals within an organization that is created to solve some defined goals might try to use them to reach their own differing goals (Christensen et al 2004:40-41). In real life, the choice amongst alternatives is not just a question of satisfying efficiency, but also of allocating resources to different parts of the organization. In

this study, it will be attempted to detect coalitions between and within parties and other political groups on the immigration policy field in Spain. Subsequently, it will be analyzed whether these coalition formations are decisive when policy is determined.

In order to solve the power struggles which may arise as a consequence of competing coalitions, very broad goals and actions may be chosen (Christensen et al 2004:93). In this way, a higher level of legitimacy of the goals is achieved on complex issues. However, this kind of quasi-solutions decreases the possibility of forming a consistent policy. In this study, it will be evaluated whether quasi-solutions have arisen as a result of power-struggles and complexity.

As indicated, even the instrumental perspective allows for a certain role of personal convictions in decision making. This indicates that not only formal structure and positions are deciding actors' behavior. As will be explored in the following sections of this chapter, other more informal rules related to culture and the institutional environment may be just as significant in determining behavior.

2.1.5 Empirical Expectations from the Instrumental Perspective

- Spanish politicians are expected, according to the instrumental perspective, to make decisions based on incomplete information in the immigration policy field. This is due to the inherent complexity of the field and because immigration issues are of varying importance in comparison to other issues.
- It is expected that Spanish politicians will shape policy and construct organizations related to immigration in a way that is reflecting a certain degree of rationality. In the hierarchical variant of the instrumental perspective, leaders are expected to have a relatively clear conception of goals. They are also expected to use the public organizations and policy measures as instruments to reach these goals.
- The approaches of the government in office as labor-oriented or control-oriented will be reflected in what ministry is given the responsibility for handling immigration issues. According to principles of horizontal

specialization, organizational solutions reflect how leading politicians place one policy field in relation to others.

- As principles of specialization also guides how policy focused, it is expected that they will affect the political priorities in a two-way dynamic.
- If firm political control of the immigration administration is wanted, administrative levels of the organization will be closely linked to the political level in the hierarchy.
- Further, the organizational structure is expected to be most important in predicting behavior at the operational and administrative levels of organizations on the immigration policy field, while the political leadership is expectedly more unrestrained to pursue their conviction.
- Specific subgoals will be pursued as a substitute for comprehensive overarching goals. This is because the immigration policy field is typically very complex and characterized by vague goals.
- In addition, according to the coalition version of the instrumental perspective, it is expected that the interests of dominating subgroups will be reflected in the Spanish immigration policy. Relevant influential subgroups might consist of labor unions, organized employers' interests, as well as subgroups within political parties.
- It is expected that a complex policy field as immigration, where different influential subgroups are involved, will favor quasi-solutions of conflicts.

2.2 The Cultural Perspective

2.2.1 The Logic of Appropriateness

In the cultural perspective, it is asserted that actors follow rules not as a result oriented consequential pro et contra calculation, but because of the institutionalized practices of a collectivity (March and Olsen 2006:4). Institutional actors find out what actions are appropriate through the matching of identities, situations and institutionalized rules. Additionally, actors carry with them connotations of essence

according to their role. It is claimed, institutional actors take actions after identifying what kind of situation they find themselves in, what kind of role they possess, and what kind of actions are expected from actors possessing that particular role. What will be central for the analysis is whether there are any significant measures taken by policy makers that reflect such instant matching between identities, situations and rules.

The intuitional matching mentioned above is not only valid in routine situations. In crisis situations, it is argued that demands for radical change often follow identity-driven conceptions of appropriateness more than conscious calculations of cost (March and Olsen 2006:7).

Institutionalization is a time-consuming process where values and identities related to aspects other than those relating to technical and efficiency are shaped (Selznick 1997:26). According to March and Olsen, the nearly automatic relation between rules and action will have a higher probability of being present in countries with legitimate, well defined, integrated and stable institutions. Spain is a relatively young democracy, with a rather short immigration history. It will be interesting to see whether these variables limit the ability for Spanish politicians to make the instant matching which appropriate decisions are constituted of.

In some situations it may not be possible for actors to do what the institutional rules prescribe is considered right and true, because of lacking institutionalized capabilities (March and Olsen 2006:10). In this way, it is problematic to assume a precise one-to-one relation between rules and policy outcome. The possibility to actual implement policy and not just the rules on the immigration policy field will therefore be studied.

When it comes to the stability of rules, it is assumed that the current stability of rules is related negatively to the number of times they have been revised in the past (March and Olsen 2006:15). In contemporary democracies, which at best are only partly communities of shared experiences, competing interpretations of appropriate behavior are a routine part of daily life. In plentiful periods, competing rules of appropriateness may exist simultaneously since they are considered segmented, but resource reduction tends to call attention to inconsistencies.

In democratic governance, the balancing of different logics of action is required and politicians and political administrative leaders are likely to be held accountable for both the appropriateness and the results of their behavior. Notwithstanding, the two modes of accounting may sometimes counteract. Proper behavior might be associated with bad consequences, and good consequences might be the result of improper behavior (March and Olsen 2006:18). Consequently, it is of the essence to discern whether political actions taken by Spanish leaders on immigration are accounted for on the basis of their consequences or on the basis of their appropriateness.

In March and Olsen's view, it is necessary to consider the alternative human motivations as complementary, rather than assume a single dominant behavioral logic (March and Olsen 2006:19). In this way, it might be possible to examine the variations, shifting significance, scope conditions and prerequisites that the different logics of action provide. To study shifting preferences on the immigration policy field, one approach would be to examine how the logics of action are formally prescribed, authorized and allowed, or on the contrary how they are defined as illegitimate.

2.2.2 The Ambiguity of Appropriateness

The basic assumptions in Christensen and Røvik's alternative elaboration of the logic of appropriateness are that guiding rules and identities might be ambiguous, competing and conflicting and can change over time. Plus, it is underscored that the consequential logic of action is predominating as appropriate in rationalized, modern society (Christensen and Røvik 1999:159). In this view it is argued that actors, for example, in public organizations, rarely face unambiguous situations where they easily can resort to one clear-cut identity (Christensen and Røvik 1999:164). In addition, the encompassing environment is often turbulent which in turn provokes a complex attention structure, especially if alternative identities are conflicting.

It is argued that the identity related to the formal organizational structure is dominant over culturally developed identities that actors may possess. The informal identities are, according to these authors, subordinate to formal conditions and less important for decision-making (Christensen and Røvik 1999:165). An actor's formal

position is also very relevant concerning hers or his viewpoint, i.e. focuses very clearly on some aspects of an issue, but more unclearly on others (Røvik 2007: 283). Formal rules allow a certain degree of discretion. Accordingly, informal values and identities might be significant when discretionary decisions are allowed. It will be assessed whether the formal structure has a greater significance on outcomes on the immigration policy field than the cultural values and norms when the empirical material is analyzed.

Unlike March and Olsen, Christensen and Røvik insist on the differentiation between informal and formal rules. Not only might formal and informal rules in an institution be conflicting, but the different formal rules can be conflicting with each other (Christensen & Røvik 1999:167-168). Informal rules are developed when actors interrelate with each other over a long time and come to take for granted certain ways of thinking and acting. If the informal rules threaten or even undermine the formal rules of an organization, they can be seen as inappropriate (Christensen and Røvik 1999:169). Tolerating the presence of irregular immigrants can accordingly be sustainable for a limited time period. But at a certain point, politicians will be compelled to take measures that ensure the implementation of the immigration law. But the two sets of rules may also influence each other. The different sets of rules have different origins, effects and implications (Christensen and Røvik 1999:170). For example, new regulations concerning immigration policy can be made on the basis of means-ends considerations, but a public decision-making culture with counteracting dynamics may still exist within relevant public organizations. This has consequences for the analysis of the Spanish immigration policy field: Formal rules, expressed in law and organizational structures will be kept apart from informal rules, expressed as values.

2.2.3 Path-Dependency

Only thought through decisions can provide for the actual change of formal organizational structures. But these decisions are themselves the expression of the incremental adaption of the formal to the informal evolution that has already been

taking place (Egeberg 1984:48). One of the core points of the cultural approaches to organizational and institutional theory is that choices of institutional change constrain future options for new changes; they are path-dependent (Krasner 1998:67). Further, it is argued that policymakers have a range of options which is the function of institutional capabilities put in place at some earlier period. Accordingly, this is in stark opposition to utilitarian approaches. New logics of action are interpreted most often as the result of coincidences instead of the aggregated result of principal actors who are looking to increase their personal utility (Selznick 1997:23). In this way, it will be studied how earlier events and the institutional framework limit the choices that are possible for Spanish leaders in shaping immigration policy.

Change is not something instantaneous or costless in the path-dependency theory. But even if institutions do not change rapidly and responsively to environmental pressures, it does not mean that the path-dependency theory excludes the possibility of change (Selznick 1997:101-102). But the critical junctures are considered to be infrequent and are expected to be followed by long periods of stability. When path-deciding decisions are being made, goals are not always clear, and these situations therefore require institutional leadership. In turn, the decision will determine the values of the institution in the future. Determining which instances represent such critical junctures of the evolution of Spanish immigration policy is therefore essential.

If patterns of behavior and formal structures are to last over long periods, this will be decided by the degree of institutionalization of a particular organization or policy field. Institutionalization in turn, is decided by two dimensions: vertical depth and horizontal linkage. Vertical depth is defined by the degree of self-definition which relevant actors possess in relation to a particular institutional structure. The stronger this self-definition is, the more difficult it will be to change the structure, and it will certainly not be undermined by its loyal members. The general consensus between institutional actors on the meaning of events is produced by shared paradigms or shaped by roles.

If a particular organization or policy field cannot be changed without other important fields being affected, there is a significant degree of horizontal linkage

(Krasner 1988:75). If migration policy is linked to other policy fields, like the agrarian sector and labor policy, it will be increasingly difficult for Southern European countries to change it without also affecting those sectors. Accordingly, it will be attempted to evaluate the importance of the adjacent sectors which have the most important linkages to the immigration policy field in Spain, when it comes to political outcomes.

In some organizations, there might also be strong internal resistance to reorganizations which are conceived as threats by powerful subunits (Krasner 1988:83). It might be in the interest for certain employers, to conserve an immigration system that ensures large quantities of cheap irregular migrant workers. Path-dependent patterns, which are characterized by self-reinforcing positive feedback, are also a powerful contributor for institutional persistence. Choices at an early stage of history can look small and even random. Nonetheless, they can determine to a significant extent future trajectories (Krasner 1988:84).

2.2.4 Increasing Returns

In Pierson's view, some researchers are inclined to employ an excessively broad definition of path-dependency, as it is only asserted that what happened was affected by something that happened earlier (Pierson 2000:252). This leads to imprecise conclusions because this kind of definition avoids revealing the particularly interesting mechanisms within path-dependency, of which Pierson focuses on the concept of increasing returns. This type of path-dependency means that the current mode of action is increasing its relative benefits, because the alternative options remain unclear while the chosen mode of action is little by little more known by the institution's members. It will be judged whether the choices taken on the immigration policy field in Spain lead to dynamics of increasing returns.

According to Pierson, increasing returns do not guarantee the conservatism of policy and institutions, but instead asserts that continuous change will happen as bounded change. Reform of the regulations concerning contracting worker immigrants in countries of origin was for example a substantial change of policy, even if it

happened within a well entrenched system of irregular immigration (Cachón 2009 [Interview]). Accordingly, it will be attempted to detect a determined maneuvering space for Spanish leaders on the immigration policy field where changes might be carried out.

The timing of critical junctures obtains an even more emphasized role in Pierson's approach to path-dependence than in the classical view described earlier. This is because decisions that may appear insignificant at an early stage of a process can put in motion sequences that ultimately lead self-reinforcing structures of increasing revenues. As a reflection of this dynamic efforts later in the process may have only limited effects. If critical junctures are revealed in the evolution of Spanish immigration policy, attention will also be devoted to the specific context in which the dynamics were set off.

In most cases, politicians favor short-term gains, and will tend not to be too occupied by long-term risks (Pierson 2000:261). This is partly due to the fact that their personal incentive to achieve long-term solutions is limited by the fact that their terms typically span around periods of not much more than four years. Decision rules within political institutions are also in many cases conservatively biased, and therefore constitute another obstacle for efficient changes. Tolerating large quantities of irregular immigrants can for example seem as a tempting solution for politicians in a country, as expulsions and building administrative capabilities are costly in the short term. The longer term risks as problems of social cohesion and structural problems in the economy typically come in the background.

2.2.5 Gradual Transformation

The classical path-dependency view is leading us towards the impression that institutional change is infrequent and abrupt, or very modest. Streeck and Thelen present a critique of the path-dependence concept as they see the tendency to explain most new phenomena as being just variants of the old path-dependent pattern as having an exaggerated conservative bias (Streeck and Thelen 2005:2). Instead they propose the concept of gradual transformation in institutions as a tool for exploring

institutional changes. The key aspect of this approach is that broad and multifaceted developments can unfold incrementally (Streeck and Thelen 2005:6). The increasing returns that are preached in the path-dependency theory are considered in the transformative change approach as being much more helpful in understanding institutional resiliency than institutional change (Streeck and Thelen 2005:8).

It is conceded, institutional change is at times abrupt and sharp. But this does in no way exclude other ways of transformation (Streeck and Thelen 2005:11). Particularly when policy fields of modern Western societies are analyzed, where one cannot expect dramatic path changing upheavals, it is important to take into account incremental processes of change that add up to major historical discontinuities (Streeck and Thelen 2005:12).

Finding out what a rule actually means is not self-evident and is a constant process that requires efforts to develop and maintain a shared understanding in the community (Streeck and Thelen 2005:20). When rules are decided by politicians, it cannot be assumed that they are aware of the full variety of situations to which the particular rules have to be applied to. Innovative future politicians may deliberately interpret earlier established rules in a way that was unintended when the rule was established. Questioning the true meaning of institutionalized rules is often an intentional revision (Streeck and Thelen 2005:21). The intentional questioning of rules might be affirmed by studying how new governments interpret rules passed by their predecessors.

Further, the concept of differential growth may lead to significant outcomes as a result of gradual transformation. This concept means that institutional actors learn to work around unchangeable traits in institutional arrangements (Streeck and Thelen 2005:23). Instead, by layering new elements with a certain focus, while consistently omitting other possible solutions, the outcomes may be significantly altered in the long term. Consequently, this study will attempt to uncover strategic layering on the immigration policy field.

Transformation may also occur as a result of mass deviant behavior. If the deviance reaches a certain level, the only way to end it is making the behavior legal (Streeck and Thelen 2005:22). Political leaders, who pretend to control institutions,

never have complete control of their functioning and their goals. Accordingly, it will be explored if mass deviant behavior influences the rules on the Spanish immigration policy field.

As we have seen in the first part of this theoretical chapter, the cultural perspective asserts the uniqueness of institutions, as they come to possess actors who possess common values, norms and interests. The myth perspective on the other hand, is primarily focused on the institutional environment. In this environment, organizational myths that tend to look at all institutions as more or less the same (isomorphism) have gained impact during the last decades. In the next chapter, I will account for both the conventional view on the myth perspective, as well as explore an alternative view that underscores the potential instrumental uses of myths.

2.2.6 Empirical Expectations from the Cultural Perspective

- From the logics of appropriateness approach of the cultural perspective, relevant actors on the immigration policy field, notably Spanish politicians, will expectedly be heavily influenced by what is regarded as appropriate for the role they possess. This is because the cultural perspective gives importance to informal norms, and not just formal roles.
- Complexity, rather than simplicity, of preferences and value sets will be a prevailing trait. How clear values are for institutional actors, depends on the degree of institutionalization, which in turn is partially dependent on the time variable. Thus it is expected that the short time-span of Spanish immigration history will influence negatively on actors' internalization of informal values regarding immigration policy.
- It is expected that the broader institutional context will delimit the range of action on the Spanish immigration policy field. Because of possible horizontal linkages to other policy fields and institutions, it is affirmed in the cultural perspective that any given institution might be difficult to change.

- Political debates are expected to reflect competing interpretations of what appropriate behavior consists of, and which kind of values are to be employed, and not the power-struggles between rational self-interested actors.
- Opposed to the importance that the conventional culture perspective gives to informality, it will from an alternative approach be expected that the formal roles and norms will override informal rules and identities when decisions are made on the Spanish immigration policy field. According to the ambiguity of appropriateness approach, the informal culture will be deciding primarily if the formal rules are ambiguous.
- If informal values which run counter to the formal rules are present, they will not be tolerated for a long time. Irregular immigration will probably be the most important informality in this kind when it comes to the case of immigration policy in Spain.
- According to the theory of increasing returns in path-dependency, it is expected that the lock in effects on the immigration policy field will benefit particular sectors of Spanish society. In this view, path-dependent dynamics of increasing returns might also surge by coincidence, and not necessarily as a result of conscious choices.
- Actions of Spanish politicians on the immigration policy field are expected to reflect short term strategies which may undermine strategic instrumental solutions. Because of rather short election cycles, democratically elected politicians might have few incentives to pursue longer term solutions.
- Alternatively, from the gradual transformation approach of the cultural perspective, the inflexibility of Spanish immigration policy field will not be taken for granted, even in situations that are not interpreted as windows of opportunity. Changes which seem small at the outset will not be ignored as they might have significant consequences at a later stage. Both politicians and other institutional actors are therefore expected to be intending to set of path-altering dynamics at a rather regular basis.

2.3 The Myth Perspective

2.3.1 Formal Adaptation Does Not Mean Actual Implementation

In modern institutions, the appropriate identity is very often that of seeming to act rationally. As a consequence of this institutional pressure towards acting rationally, rationalized myths might grow and flourish as they are receipts of what is to be seen as modern instrumental and rational ways of organizing (Christensen and Røvik 1999:171). However, even if myths give the impression of being effective does not mean that they necessarily work this way when organizations try to adopt them (Christensen and Røvik 1999:172). Still, rationalized myths are taken for granted in the institutional environment and appear to be objective laws for institutional actors. Rationalized myths have emerged mainly because of the strong belief in rationality, science and economic growth in contemporary Western institutions and beyond. To legitimize behavior and act appropriately is to adopt the rationalized myths, which are symbols of this ideology. In respect to the theoretical insight of the myth perspective, Spanish leaders' statements and justifications for adopting new policies of immigration will be examined in order to expose references to rationalized organizing. Further, references to the expectations of the institutional environment by policy makers are of interest when reorganizations and policy changes are carried out. Particularly explicit references to the European Union, as a possible myth producer, are central.

The institutionalized environment is very important for organizations and institutions, as these are driven to incorporate the structural arrangements proscribed by rationalized concepts of organizational work (Meyer and Rowan 1991:41). In this view, the motivation for doing so is to obtain legitimacy, and thus increasing the prospects for the institution to survive. Sometimes this is a mere ceremonial conformity, especially if the myths are conflicting with technical efficiency criteria. This may lead to a gap between the structural arrangements and the actual behavior in the institution. The prime example of this hypocrisy in this thesis is the formal strict immigration policy of Spain, which has not only been ignored by immigrants and employers, but also by the government.

In an instrumental perspective, a rational formal structure is supposed to be the most effective way to control and coordinate modern work activities (Meyer and Rowan 1991:42). Notwithstanding, there is a sharp distinction between the formal structure, which is the blueprint of organizational activities, and the actual day-to-day institutional life. The instrumental perspective described above assumes that in organizations coordination is routine, rules are followed, and that actual activity does what is prescribed in the formal structure (Brunsson 2006:7). The view Brunsson criticizes takes for granted legitimacy and treats norms of rationality as simple and general. In modern societies, the binding rationalized myths on particular organizations are empowered by institutional rules, by for example laws and social prestige. These myths are characterized as rationalized because they identify various social purposes as technical ones (Meyer and Rowan 1991:44). In this way, subjective opinions are presented as objective facts. They are also highly institutionalized, since they are to a great extent taken for granted and do not need to be justified every time they are to be implemented. Modern society is dominated by rationalized myths and modern institutions are thoroughly rationalized, consequently, the more modern a society is, the higher the likelihood for formal organizations to appear (Meyer and Rowan 1991:46). Spain has gone through a profound modernization during the three last decades (Casey 2010 [Telephone interview]). Accordingly, it will be examined whether the modernization of Spanish society in general has influenced the handling of the immigration policy field.

Another important prerequisite for the impact of rationalized myths consists of the assumption of all formal organizations possessing basically the same traits (Christensen and Røvik 1999:173). This leads to a larger degree of institutional isomorphism, which means that organizations will try to look more like other organizations on the field (Powell and DiMaggio 1991:66). This is a severe underestimation of the variety of the tasks, personnel culture, localization, knowledge and technology of the organizations in the world today. Organizations are structured by exigencies in their environments and tend to become isomorphic firstly because this helps the organizations to manage the complex interdependencies with their surroundings (Meyer and Rowan 1991:47). As all institutions exist in a social world,

they will necessarily reflect the socially constructed reality. The uniqueness of each organization, which is emphasized in the cultural perspective, tends to disappear in the myth perspective, as organizations tend to disappear as distinct and bounded units. The implications of these two accounts also have implications that differ significantly. In this way, it will be explored whether the solutions on the Spanish immigration policy field represent isomorphic tendencies, which are required by the institutional environment.

As a consequence of isomorphism, organizations incorporate structural elements which are legitimated externally, rather than in terms of efficiency. Further, they employ ceremonial assessment criteria to evaluate these structural elements, and turbulence will be reduced by the dependence on externally fixed institutions (Meyer and Rowan 1991:49). Finally, the institutional isomorphism will increase the likelihood of an organization's survival. Organizations that do not adopt environmentally legitimated elements of structure, risk lacking acceptable legitimated accounts of their activities (Meyer and Rowan 1991:50). In this study, it will be attempted to reveal what the relevant ceremonial assessment criteria consist of. This will for instance include the expressions of evaluation of Spain's immigration policy by external actors in the institutional environment.

The institutional environment stabilizes both external and internal organizational relationships; organizations are buffered from turbulence (Meyer and Rowan 1991:52). The commitment to the organization is guaranteed by agreements instead of depending entirely on performance.

As all organizations, in varying degrees, operate in both relational and institutionalized contexts, they must not only coordinate and control their activities, but must additionally be successful in accounting for them (Meyer and Rowan 1991:54). Increasingly, modern organizations use variable, ambiguous technologies to produce outputs that are not easily appraised. Further, the uncertainties cannot be solved exclusively on the basis of efficiency, as even technical properties of outcomes are socially defined (Meyer and Rowan 1991:55). Following this logic, it will be studied how Spanish political leaders account for the official activities on the immigration policy field.

As we have seen already, conforming to ceremonial requirements is an important source of legitimacy in modern society. Rejecting them will neglect an important source of resources and stability (Meyer and Rowan 1991:57). Partial solutions as isolation, acknowledging deviation or promising reform all define the organization's current structure as illegitimate. Instead, Meyer and Rowan propose two interrelated strategies, namely decoupling and the logic of confidence.

Decoupling means that elements of structure are being kept apart from activities and from each other, in order to avoid the conflicts and loss of legitimacy which attempts to control and coordinate activities can produce. This decoupling involves performing activities beyond the purview of supervisors or by making goals voluntarily ambiguous, or by ceremonializing inspection and evaluation. In immigration policy, a country can formally agree on readmission treaties with countries of origin, because this is accepted as an effective means of limiting the presence of irregular immigrants. Tacitly, the country can continue to tolerate the presence of irregular immigrants at the same time. Ergo, the decoupling shields the assumption of formal structures as really working from the real world anomalies involved in technical activities (Meyer and Rowan 1991:58). Possible decoupling between official policy and practice on the immigration policy field in Spain will duly be studied.

As rationalized formal structures are highly institutionalized in modern society, the confidence and good faith in an organization by internal participants and external constituents enables it to appear useful in spite of the lack of technical validation. Both the internal participants and external constituents have a common interest in this good faith. As it maintains the confidence in the organization, it ultimately contributes to the reinforcement of the confidence of the myths that rationalize the organization's existence. Uncertainty can be handled only if people assume that everyone does what they are supposed to and performing their roles properly. If an organization is strongly reflecting institutionalized myths, according to Meyer and Rowan, there is a high probability that it will maintain elaborate displays of confidence, both externally and internally (Meyer and Rowan 1991:59). Loyal organization members must coordinate informally to ensure that activities run smoothly, in spite of the categorical rules.

Organizations which operate in institutionalized environments tend to make inspection and evaluation as ceremonial as possible, since these processes risk to uncover deviations that undermine legitimacy. These processes are public assertions that run counter to the fundamental assumption that everyone is acting in good faith, which in turn lowers moral and confidence. In this theoretical approach, not only institutional actors within the organizations avoid inspecting and controlling, but external constituents as well. For example, control organs within the European Union are expected to “accept ceremonially at face value the credentials, ambiguous goals, and categorical evaluations that are characteristic of ceremonial organizations” (Meyer and Rowan 1991:60). The control organs are in fact themselves probably corporately organized agents of society, and need to assume that formal organization is reflecting activities. Accordingly, it will be evaluated whether the relevant external controllers of Spanish immigration policy accept the formal organization and official policy at face value.

As has been shown, Meyer and Rowan are primarily fascinated by the strict decoupling of rationalized myths of formal organization from the actual activities within institutions. In this view myths have little or no effect on actual behavior in organizations, other than that the decoupling may in the long run contribute indirectly to the long-run effectiveness. This assumption is not very realistic according to an alternative view on rationalized myths that emphasize that over time myths that initially are being kept apart gradually gain influence also on the practice of an organization.

2.3.2 Instrumental Use of Rationalized Myths and Myths as Viruses

In opposition to Meyer and Rowan, Røvik asserts that rationalized myths are not merely innocent ideas which flow through organizations without making a real impact. They are ideas of reform which can lead to very real changes in the organizations which they permeate (Røvik 2007:19). In addition, Røvik argues that there is little empirical evidence of decoupling of formal structure and actual activity. Instead of the mimetic change approach, Røvik proposes a pragmatic institutionalism, where the

instrumental effects of popular organizational recipes do not exclude them from also being constructed symbols, that create meaning and have legitimizing effects (Røvik 2007:53).

When ideas are brought into new institutions, they normally enter a complex context of physical-material structures, formal structures, routines and procedures as well as the invisible organizational culture (Røvik 2007:293). This is what leads to the need to understand the process of contextualization of rationalized myths. This process includes both how the ideas are being reshaped by the context and also how they have a very real impact on the context.

Sometimes, actors who try to implement new ideas attempt to adapt them to the specific context which the institution faces, while at the same time staying true to the spirit of the myth (Røvik 2007:311). Another possibility is the radical transformation, which means that actors are only inspired by different practices in other organizations and use some of the ingredients in their own organizational recipe (Røvik 2007:315).

Traditionally, reforms that are not instantly translated into practical implementation by the organization have been regarded by researchers as failures (Røvik 2007:333). However, this view omits time as an important variable, and the patience of successful reformers. In Røvik's central argument, it is held that organizational talk can function like a virus, which after a certain period of incubation will have an outbreak and also change the practice in the organization. For instance, standards of immigration policy that are defined by the institutional environment may at first not have any apparent effects on the actual policy of a given country.

The most important insight in the virus theory, and the most interesting common trait of rationalized myths and actual viruses, is that they often both require a period of incubation before they cause substantial effects. In this way, this theory includes the variable time in the equation, in a way that both instrumental rational choice institutionalism and the conventional myth perspective omit (Røvik 2007:350). In the first step, organizations are 'contaminated' by the specific language of a new organizational idea. After lingering in the language for some time, it may materialize by also influencing the actual practice of the organization. As an extended time scope of the immigration policy of Spain is studied, it might also be possible to reveal the

significant effects of myths on the actual content of policy. It will be asserted whether actors on the Spanish immigration policy field come to regard the myths originating in the institutional environment as their own, due to the virulent potential of ideas.

Røvik argues that the decoupling of the formal structure and actual practice within organizations will probably be discovered by either external actors or internal organization members (Røvik 2007:353). Leaders, who wish to be taken seriously, must assure that the organizational recipes are actually taken into use. When a rationalized myth is introduced to an organization, the first period is typically characterized by enthusiasm, especially articulated by the leadership (Røvik 2007:358). Then, the idea may be deactivated for a long time, and become invisible, but does not disappear entirely. At the third stage, the idea can reappear with a slightly different content. One modernistic interpretation of the reactivation phenomenon asserts that organizations and policy fields are faced with recurring problems. As these problems reemerge occasionally, organizations have incorporated standard solutions (Røvik 2007:359). Altogether, the virus theory underscores the importance of the complex relationship that exists between ideas and practice, and that they cannot easily be kept apart.

In the alternative elaboration of the myth perspective, institutions and institutional actors are not only passive receptors of organizational recipes. As noted, rationalized myths might be adapted to the specific context of an institution. But specific myths might also surge within a specific context, and active institutional actors might try to export the idea to the broader institutional environment (Røvik 2007:270). This means that rationalized myths exist within a dynamic relationship between individual institutions and the institutional environment. Accordingly, it will be attempted to study whether Spain has been able to export specific rationalized ideas on the immigration policy field to the institutional environment.

2.3.3 Empirical Expectations from the Myth Perspective

- It is expected that the formal structures on the Spanish immigration policy field will not necessarily reflect the actual activities that are being performed. In fact,

it might even be necessary to keep the formal structure and practice apart. According to the myth perspective, decoupling of organizational talk and organizational actions might be necessary in order to secure the smooth functioning of an institution.

- In the logic of the myth perspective, it is expected that Spanish political leaders will be dominantly occupied by providing an impression of a well functioning immigration system. Because great prestige is attached to formal structure in modern society, adapting formal structure is more important than adapting actual practice on the immigration policy field to achieve such an impression.
- According to the classic interpretation of the myth perspective, legitimacy is a primary concern for institutional actors. Therefore it is expected that politicians associate great value to the institutional environment, both when it comes to internal and external constituents. The internal constituents would be the general Spanish public, while the European Union itself and Spain's European partners constitute the external constituents.
- In order to obtain legitimacy from the institutional environment, it is underscored in the myth perspective, Spanish political leaders must implement formal rules and structures which are regarded as rational solutions to immigration policy challenges in the institutional environment. As these rationalized solutions are taken for granted by the institutional environment, it is expected that they will be prioritized even over more technically efficient solutions which are not endorsed by the institutional environment.
- In the elaborated view of the perspective, however, powerless ideas will not be taken for granted. It will be expected that prevailing ideas on immigration policy, which are passed on to structure will after some time have a very real effect on actual behavior of institutional members as well. In very general terms, it will therefore be expected that Spanish politicians will apply rationalized measures, which actually have an impact on the practice within the policy field.

- Further, if rationalized myths that are imposed by the institutional environment are kept alive for a long time, Spanish politicians and other institutional actors will probably come to regard these descriptions as their own.
- Additionally, in the instrumental approach to the myth perspective, it is expected that Spanish leaders, as institutional actors, have the possibility to influence the institutional environment by providing it with their own myths.

3 Methodology

3.1 Case Study Research

3.1.1 Quantitative and Qualitative Research Designs

The choice of a case study research design will firstly have implications for the type of data that will be collected. However, it should be noted from the start that the difference between quantitative and qualitative data is not to be treated as a dichotomy (Grønmo 1998:74). It is more a scale between two extremes, where the pure statistical study analyzes metric data, while a qualitative study for instance studies only written texts. In between however, there are a number of possible variants.

A large statistical comparative study would for instance gather quantitative data from a large population of nations regarding several, although limited, variables in order to reveal the differences in policy. This kind of study would be able to reveal systematic correlations between the variables, and could therefore indicate what independent variables had most effect on the dependent variable. However, it is argued that in order to reveal deeper knowledge about a specific theme a qualitative case study is more in order. This is because the statistical quantitative approach will not be able to say much about the causal mechanisms that take place between the dependent and independent variables. Causal mechanisms are identified when the general knowledge of the world is put together with empirical knowledge of how the independent and the dependent variables interrelate (Gerring 2004:348). Quantitative data will show the statistical likelihood of a dependent variable being present, given the presence of a pre-defined set of independent variables. Further, this quantitative research design is applied if one wants to infer generalizations which apply to a large universe. On the other hand, it might not be able to detect important details that are crucial for explaining why the co-variations are observed, especially since other factors which may influence the dependent variable are not included in the regression analysis. In short, if the ambition of a study is to achieve great breadth and boundedness of its hypotheses, there is greater need for cross-unit cases, while causal

arguments that apply to only a small number of units call for a single-unit study (Gerring 2004:347). A case study of the Spanish immigration policy field probably offers better evidence for an argument about immigration in Southern Europe, than about immigration to the European Union as a whole. When studying a given policy field within a given country, there are institutions, processes, actors and the dynamics between them which decide the outcomes. These factors are not easily transmitted into numerical data, and therefore a qualitative research design might be more suited for its study. This will allow the gathering of rich data about this one theme, including different aspects and the historical evolution of policies and institutions. Choosing a crucial case might be an alternative strategy for providing evidence for causal propositions of broader reach than what is normally attributed to case studies. But finding especially representative cases will probably be very difficult. It is the research theme and the research question which should decide what kind of research design is to be chosen, and not the other way around (Grønmo 1998:75). Even if the qualitative case study design is chosen in this thesis, it is in no way originating in an ideological stance that regards this kind of study superior to quantitative research by default. Instead, it is a choice based on a pragmatic consideration.

Nevertheless, the data used in this thesis are moderately typical for qualitative studies, and not archetypical data, as participating observation or informal interviewing (Grønmo 1998:78). Broad survey questionnaires to for example Spanish politicians are not employed either. Not only would the expected response rate tend to be low, but a statistical survey would probably be poorly suited for asking for informed comprehensions of complex political relations. Instead, a combination of different data is used to shed light on different aspects of the Spanish immigration policy field. These data include juridical analyses of law reforms, secondary literature, official government statements and three semi-structured interviews. Two of these were qualitative telephone interviews. The use of qualitative interviews will be discussed further at a later part of the chapter.

3.1.2 What Kind of Case Is This?

Even the simplest case study implies that it is a case amongst comparable cases in an analytical universe (Gerring 2004:348). According to John Gerring, a case study is best defined “as an intensive study of a single unit with an aim to generalize across a larger set of (similar) units” (Gerring 2004:341). From this optimistic definition, the co-variational empirical evidence for depicting causal relationships is not of a different nature in case studies than in statistical large-N studies (Andersen 2005:9). Paradoxically, case study method is severely criticized for not being sufficiently scientific, while vast amounts of scientific research are case studies. In this way, the first question to answer will be to indicate what the case to be studied is supposed to be a case of. Even if it is a single case study, the Spanish immigration policy field is situated in an analytical universe of comparable cases. These implicit comparable cases might be defined at three different levels. Firstly, it is a case study of immigration policy in a Western country in general. Secondly, it is an example of immigration policy in a country of the European Union. The third and smallest possible analytical universe of the Spanish immigration policy field in this thesis is the universe of relatively new Member States of the European Union on the Southern border of the continent. Implicit comparisons will be made to these universes throughout the study.

It is argued that the case at hand is a macro case, as the object of study is a very large one, namely the evolution of a complex policy field over an extended time period (25 years). Moreover, when it comes to classifying the type of case study, this study is a theory interpreting case study. Accordingly, the general theories, in this case from organizational theory are used to shed light on and analyze the empirical data. In this way, the empirical data is systemized and organized by the theory, which makes the explanation easier (Andersen 2005:68-69). Various theoretical contributions will be employed to analyze the evolutions of the Spanish immigration policy field, in order to focus on different aspects of it. The empirical findings are in the next instance characterized in accordance to their theoretical relevance, which contributes to the understanding of concepts. The expectation of the within-case variation in the

empirical data being actively organized by the theoretical perspectives is another justification for choosing the theory interpreting design (Andersen 2005:70). As existing theories are employed to a new empirical case, a core challenge consists of finding the key concepts that systemize the narrative in the most efficient way. Key concepts in this study for instance include institutional pressure, specialization principles, political control and path-dependency. Consequently, this affirms the ambition of this study to compose a theory interpretive case study (Lijphart 1971:691).

3.1.3 Limitations of Case Study Design

The main reason for employing case study method is that the objects of interest often are processes and temporal evolutions, which are not easily captured by quantifiable data (Andersen 2005:34). This is also the reason why the case study research design is chosen for studying the evolutions on the Spanish immigration policy field. A qualitative case study is typically applied when the research question is of a descriptive analytical character and when a flexible research design is prioritized (Grønmo 1998:86). In this particular study, the flexibility has been important, as the inductivity of the research process has led to an expanding access to different sources. Studying secondary literature has induced the search for particular government documents, while an interview object from the explorative phase of the study guided the author towards new informants. Thus, the examination of one source leads to finding new sources. However, this flexible approach to sources may be tainted by the researcher's desire, consciously or not, to reach certain conclusions (Grønmo 1998: 86-87). This makes an analytical balancing of sources necessary. It is argued here that the qualitative approach is well suited for studying the Spanish immigration policy field, which is expected to be complex. Completeness will therefore be of the essence, as the shedding light on all relevant aspects of the research question is a priority (Grønmo 1998: 89). What is to be seen relevant is not entirely defined a priori, which probably would have been the case in a quantitative study. Though the relevance of the information provided from the open approach in qualitative studies is attractive, it comes at the cost of less accurate and verifiable data. It is not as easy from the outset

to make it plausible that any researcher would reach the same conclusions as this one by using the same sources while studying Spanish immigration policy.

There is an eternal problem of great relevance in scientific theory regarding qualitative single case studies. While the case study is very well informing about the particularities and processes within the case that is studied, which means that it has high internal validity; it is logically problematic to say anything accurately about the comparable cases within the analytical universe. While searching under the light of street lights might be efficient, it is difficult to assess whether what we are looking at represents something practically or theoretically interesting. The mechanisms which describe and explain the evolutions on the Spanish immigration policy field might very well be interesting in their own right. Yet, they will not provide verifiable knowledge about the same dynamics in similar countries. On one hand the empirical complexity may be overwhelming for the researcher, but the theoretical potential is often underestimated (Andersen 2005:71-72). An alternative to a continuing expansion of the empirical data in search for the explaining narrative is to focus on the different possible theoretical interpretations. By using three different theoretical perspectives in this thesis, and variants among them, the ambition is to provide a more comprehensive account. By choosing the case study research design, a researcher wants to find out “both what is particular to the unit and what is general about it” (Gerring 2004:345).

The very high degree of rich description in an empirical case study may also ultimately be problematic, and not just a virtue. This is because case studies are supposed to be balanced between building a thorough empirical insight, while at the same time analytically simplifying the material (Andersen 2005:130). This is another reason why it is very important to classify what kind of case is being studied from the outset. By reporting the analytical universe, the generalizability of the theories that are interpreted is indicated at the same time.

There are two kinds of possible errors when it comes to making causal explanations based on scientific studies. Type-1 errors means falsely rejecting the null hypothesis, while Type-2 errors means failing to reject the false null hypothesis (Gerring 2004:350). Case studies are more inclined to tend towards Type-1 errors, while comparative studies naturally have a higher risk of Type-2 errors. But even if

case studies logically can be used to refute theories, these only very rarely produce detailed predictions on within-unit variation. For example, the hypotheses led out from the organizational theoretical perspectives on the changes in Spanish immigration policy in the preceding chapter are of a rather general character. It is very unlikely that any of these theoretical contributions will be definitely rejected or proved accurate with a single case study. In either way, the ambition of this thesis is not to ultimately prove or reject particular theories. Rather, it is to interpret empirical data with the perspectives of organizational theory.

3.1.4 Data Foundation

When it comes to sources, there are various caveats for the validity in a qualitative case study. Firstly, when official statements and documents are studied, or when conducting informant interviews, there are obvious challenges regarding the partiality of the sources. For instance, it would be expected that a government official, either in written statements, media appearances or informant interviews would tend to underscore that the government is pursuing an efficient and comprehensive approach to immigration with great success. Information given by such sources might be tainted by political convictions. It is also worth noting that with the same overstated intensity as in the self-praising from government sources, sources from the political opposition might be equally as excessive in their critique of government policy. Briefly, sources with clear political interests in having the research question to follow a certain approach should not be used for neutral information. However, by being conscious of the likely biased nature of these sources, there are good possibilities for using them to obtain information about their subjective perceptions of reality (Rubin and Rubin 2005:72).

Inevitably, the analysis takes place at the same time as the gathering of data in a qualitative study (Grønmo 1998:95). Constantly, when conducting interviews, studying documents or books, the researcher will have the theoretical conceptions in mind. Although thorough understanding of the object of study may be obtained, the

interconnections with other important affairs in society still risk becoming omitted (Grønmo 1998:96).

Within case studies are often complex, which makes it difficult to isolate causal variables at any given time, and the within-unit cases are often multiple and ambiguous, although the primary unit of analysis is usually clear (Gerring 2004: 344). In addition, it is also difficult to establish a clear line between the intensively studied unit and other neighboring units. In this way, it might be challenging to determine the limits between the Spanish immigration policy field and common European immigration policy, general labor policy or the complex relations between the Spanish central state and the autonomous communities. These last ones are the informal units of the study, which means that they are more superficially studied than the formal unit, which is Spanish immigration policy. The more attention a study gives to the informal units, the more it will resemble a cross-unit study. This thesis will only use these informal units with the motivation for explaining the analytical environment of the Spanish immigration policy field.

In this study, one in person interview was conducted with the Spanish professor of sociology Lorenzo Cachón, who as mentioned has conducted several studies of the relation between the Spanish immigration system and the country's labor market. In addition, two telephone interviews were conducted. The first one was with the Migrations Secretary of the Catalan branch of the Spanish union Comisiones Obreras, Ghassan Saliba, who has been involved directly in reform processes concerning immigration. The second one was with the Australian professor of political science, John Casey. John Casey has earlier conducted similar studies as this one about Spanish immigration policy (for example Casey 1998). Further, it was attempted to get in contact with the Spanish State Secretariat of Immigration and Emigration, as well as the Catalan moderate nationalist party *Convergència i Unió* and the spokesperson on immigration of the major opposition party, *Partido Popular*. Regrettably, it has not been possible to obtain interview appointments in the last three cases. As a consequence, Mr. Saliba from the *Comisiones Obreras* is the only informant who is also representing a political entity.

3.1.5 Qualitative Telephone Interviewing

The interaction between the informant and the researcher is open in qualitative interviewing (Grønmo 1998:85). This means that even in a semi-structured interview, it is possible for the researcher to pose follow-up questions and probes which come to mind. The informant may on the other hand contribute with relevant data that the researcher at the outset did not even think of asking about. Telephone interviewing is an interviewing mode which possesses obvious advantages in cost-effectiveness. In addition, a technological progress that has made telephone interviewing even more cost-effective is the possibility of making telephone calls through the internet. In this study, the software Skype has been used for conducting calls from Norway to Spain and to the United States. Internet phone calls are very cheap, or even free when the respondent has access to the same software, which makes it a tempting tool for gathering data. Nevertheless, cost alone cannot be accepted as an argument for choosing research method. The cost argument does not make sense if the data collected is of poor quality (Sturges and Hanrahan 2004:110). It must therefore be considered if telephone interviewing represents a greater risk to the validity than in personal interviews. Telephone interviewing has received much attention in methods literature concerning quantitative interviewing. However, the interview mode of telephone interviewing in qualitative research has received little attention in qualitative studies, and comparison studies are almost entirely focused on the quantitative research design. In a research note, Sturges and Hanrahan, try to contribute to filling this gap in qualitative research literature. Their main research question was if the data collected in an actual study conducted by Sturges (1999) by using telephone interviewing was comparable to data collected in face-to-face interviews (Sturges and Hanrahan 2004:108).

Traditionally, the suitability of telephone interviewing in the literature on qualitative interviewing is conferred to short and structured interviews, or if the situation is very specific. Rubin and Rubin (2005:125) underscore the last aspect. However, the suitability concern must be nuanced more than this.

A major challenge for qualitative research relying on interviews is informant reluctance. Telephone interviewing can in many cases make it considerably easier to, at first get in touch with, and then obtain data from potential respondents. This is valid both for people who are reluctant to appear in an in person interview, and for groups that are hard to reach (Sturges and Hanrahan 2004:109). In this study, where it was intended to conduct interviews with public figures, such as spokespersons for political parties, public authorities and representatives from business and organized labor, the first aspect of this point is obviously the most important one. Instead of having to use significant resources on planning and travelling to Spain, internet telephone conversations were agreed upon in advance by e-mail correspondence. Arguably, it is considerably easier for people in these positions to make an appointment for a telephone interview than for an in person interview. The last interviewing mode would mean that they would have to either go to a suitable location or provide a suitable location for in person interviews at their own workplace. If anything unforeseen should happen, informants may easily reschedule, as telephone interview appointments are inherently rather flexible. On the other hand, there is a possibility that this can make it too convenient for the informant to cancel or reschedule, and that the importance of her or his participation is not perceived as being very high.

The initial contact that is usually beneficial for obtaining telephone interview participants in my study was done indirectly. This meant that I first conducted an explorative face-to-face interview with an expert on Spanish immigration policy, the sociologist Lorenzo Cachón. He then agreed on putting me in contact with other key informants, who he regarded as essential for gaining insight in some central evolutions on the Spanish immigration policy field. Sturges and Hanrahan suggest that a first in person contact may be beneficial for obtaining an appointment for a telephone interview (Sturges and Hanrahan 2004:111). In this study this was deemed unnecessary. The people I conducted telephone interviews with are semi-public figures or spokespersons, from who I argue I can expect a desire to tell about their version.

When conducting telephone interviewing, as in opposition to face-to-face interviewing, the possibility for observing the informants non-verbal communication is deprived. But the nature of the interviews that are conducted for this study is not one

where non-verbal communication is regarded as essential. Academic and political informants are not expected to have much reluctance in sharing their views.

In their study, Sturges and Hanrahan found that they obtained virtually the same quality of data from the telephone interviews that they conducted as those they conducted face-to-face (Sturges and Hanrahan 2004:112). They also found that the depth of the answers were very much the same in both of the modes (Sturges and Hanrahan 2004: 112-113). This observation makes it plausible to assume what Rubin and Rubin argue is the one main advantage of qualitative interviewing as a research method, mainly obtaining deep and informed data, is ensured (Rubin and Rubin 2005:110). The respondents in Sturges and Hanrahan's study were given the choice if they wanted to do the interviews in person or by telephone (Sturges and Hanrahan 2004:113). The most common reasons for choosing telephone interviews were privacy and convenience concerns. The last aspect here is expectedly the most essential one in my study, as the informants expectedly are rather busy people.

As mentioned earlier, the telephone interview mode excludes the possibility for the researcher from observing non-verbal communication. However, the verbal clues that the informants provide, as hesitation and sighs, can give the researcher a hint if a follow-up question or a probe is in order. In this way, it is still possible to probe the informant, even if telephone interviewing precludes the researcher from probing based on visual clues (Sturges and Hanrahan 2004:114).

3.1.6 Empirical Indicators of Theoretical Expectations

Explaining a case study takes some of the same forms as detective work (Andersen 2005:136). First the facts about the case need to be established. Secondly, the researcher needs to estimate what facts are relevant in solving the question at hand. Ideally, this should amount to the best plausible reconstruction of motives and possibilities that can account for the facts. The theoretical expectations from each perspective which were described in the preceding chapter must be linked to what the research will look for in the empirical material.

In order to reveal factors that may be explained by the instrumental perspective, sources that describe the formal structures of organizations in the immigration policy field will be employed. Further, assessing the organizational thinking of political leaders on the immigration field will originate in how different aspects of immigration policy are linked together horizontally and vertically. When it comes to the cultural perspective, informal aspects that have an impact on policy outcomes will be sought after in the institutional context. These aspects may concern for example administrative culture or the Spanish labor market. Lastly, capturing aspects that may be explained by the myth perspective is most likely to be found in symbolic statements or actions. In these, references to prevailing rationalized myths are made. In the next turn, it will be interesting to study whether the myths correspond to the reality on the ground.

4 Spanish Immigration Policy in a European Context

4.1 The European Dimension

4.1.1 The Mutations of the European Immigration System

According to Geddes, there has been a considerable conceptual and geo-political widening of the concept of immigration to Europe since the end of the Cold War up until today (Geddes 2003:2). The Northern European countries are no longer the only countries of destination on the continent, as new types of immigration are having an impact in both Southern and Central European countries as well. In this section I will place my object of study, Spain, in this European context.

In Casey's view, the increasing European cooperation and integration on asylum and immigration within the EU frame is not to be seen exclusively as a challenge to the national sovereignty of Spain. The cooperation has made it easier to attain restrictive immigration policies and does not only imply a loss of control (Casey 2010 [Telephone interview]). Individual European Member States still have considerable possibilities to determine their own policies. Therefore, it would also be misguided to view the Europeanization of immigration and asylum policies as a narrow path-dependent process that will inevitably lead to identical immigration policies in all of the Member Countries (Geddes 2003:6).

Governments can claim that they are able to plan, regulate and manage migration flows. But migration policy seems more like muddling along in the face of unpredictable migration pressures (Geddes 2003:8). When it comes to the phenomenon of economic migration, it is not the poverty and demographic pressure in the sending regions which is the main reason for it, but the economic development in the industrious receiving regions and especially the number and characteristics of available jobs (Cachón 2002:111). Because of the economic take-off in the country and its labor market, this is what has turned Spain into a destination for migrants. The

argument is also a critic of the popular idea that the immigrants are taking jobs from domestic workers, as the jobs in question are below the latter ones' level of acceptability.

According to Cachón, several mutations of the European migratory system have taken place. The first one occurred after the Second World War, when the continent was divided into migrant receiving countries in the centre and north, and migrant sending countries in the south. In addition, North-African Arabs and Turks constituted important groups of immigrants in the receiving countries (Cachón 2002: 97-98). Even if the immigration into Western Europe was essential for the reconstruction of the countries, the assumption was that these would return to their countries of origin when the job was done. This assumption turned out to be false by the late 1970s, as the immigrants remained even as the continuous post-war economic growth came to an end (Geddes 2003:11-12).

The second mutation took place in the seventies, when the 'immigration stop' concept was applied in Western European countries as a result of economic crisis. Paradoxically, the immigration which so far had mostly consisted of temporal work migration was converted into permanent settlement of the guest workers. This is because the incentive to return was removed as there were no longer guarantees for the migrants that they would be able to return later (Cachón 2002:99). As the door closed for immigration of unskilled workers, migration through family reunion continued, which led to a feminization of the immigration.

Spain's entry as an immigrant receiving country took place from the late eighties, just as for the other Southern European countries. This is what is called the third mutation of the European migratory system. Thus Spain, amongst others, was turned into a destination for migrants. This was as a consequence of the mentioned closing of the Northern countries, the economic development, and the proximity to the sending regions and also because of the traditional ties between both sides of the Mediterranean. In Cachón's view, the new flows of migrants towards Southern Europe in the late eighties were not surprising in themselves. Because of the historic ties with the sending regions on the southern shore of the Mediterranean, regarding flows of people, commerce, capital and culture, the most surprising is that it did not take place

earlier (Cachón 2002:99). As countries in Southern, Central and Eastern Europe which now have been effectively turned into countries of immigration, the different labor market and welfare state contexts produce different outcomes here than in the older immigration countries to the North (Geddes 2003:12).

The third wave of migration, or as Cachón calls it, the third mutation, after the two former waves of labor migration and family reunion migration, also included a particularly noticeable increase in asylum seeking migration and irregular migration (Geddes 2003:13). When the numbers of asylum-seekers increased in the 1980s and 1990s, receiving countries sought to restrict the inflows which they regarded with suspicion. Continued migration pressure, conflicts in various parts of the world and the practical impossibility to obtain legal labor immigration all contributed to the category of ‘bogus asylum seekers’ (Geddes 2003:14).

However, it is irregular immigration which is the dominating aspect of immigration to countries in Southern Europe and not asylum-seeking. The variants of irregular immigration can be more or less dramatic and has come to include:

- When people enter legally with a visa, and overstay the permit.
- When people cross state borders without proper authorization and documentation.
- When people live legally but work illegally.
- When bureaucratic procedures consign people to illegality.

Even if words as ‘flooding’ have been used to describe the migration pressure towards Europe, the states on the continent both have a formidable capacity and willingness to control immigration, especially those flows that have been regarded as unwanted (Geddes 2003:16). This has even included travails to outsource the control points of immigration to both transport companies and countries of origin (Pinyol Jiménez 2009:267). New control strategies have also developed, and complex webs of readmission agreements have been established with neighboring states to return unwanted immigrants.

4.1.2 Immigration Policy Cooperation within the European Union

As more efficient solutions to problems concerning migration control have been sought, public policies have been increasingly internationalized (López Sala 2009:33). The main reason for this is that unilateral actions from individual countries are perceived as having very limited effects. On one hand, it may be argued that nation states have experienced a certain erosion of sovereignty on immigration policy. Therefore, the ceding of migration policy responsibilities to the EU might be regarded as a puzzle as it could hinder the individual Member States to adapt their policy to the domestic situation (Geddes 2003:126). On the other hand, the ‘Escape to Europe’ thesis says that the cooperation should be regarded as a reassertion of control capacity (Geddes 2003:127). However, Geddes moderates these two opposed views by confirming that the EU cannot be separated from national contexts, and that the effects on all European countries of immigration will not necessarily be the same (Geddes 2003:128). Maintaining the strictly national scope of studies of immigration and immigration policies will probably not be sufficient in the contemporary supranational Europe. This is the reason that the implicit comparison to the general European immigration context will be guarded throughout this thesis.

The Treaty of Rome in 1957 is regarded as the starting point of all European laws which override Member State laws. This includes those guaranteeing the right to free movement of EU citizens. Although the right of free movement was in the beginning a right for workers, it has been expanded to all EU citizens (Geddes 2003:129). Naturally, market integration has provided a crucial impetus to cooperation on immigration and asylum. Even though Community encompassing efforts to abolish internal borders were rebuffed for a long time, significant dynamics were set in motion from some of the Member States. “The Schengen Agreement of June 14 1985 brought France, Germany and the Benelux countries together in a far-reaching attempt to abolish border controls with compensating internal security measures, including immigration and asylum” (Geddes 2003:130-131). This treaty allowed the Member States to continue market integration while maintaining restrictive immigration and asylum policies. For Spain, which was to enter the European Union the first of January

the following year, this signified that the country had to adapt its legislation to the communitarian norms. This was partly the reason that the first ever Spanish immigration law was passed in 1985, in addition to the need to handle the new phenomenon of immigration to Spain (Ospina 2008: 312).

The Single European Act included a political declaration by the Member States stating the intent to cooperate on the entry, movement and residency of third country nationals, while at the same time stating that the Single European Act in itself did not mean any impact on their domestic immigration control policies. In this way, Member States could pursue their domestic immigration control policies at the European level without empowering EU institutions and also extend the restrictive policy frame to newer Member States in Southern Europe. During this development, the Commission was kept at arms' length as Member States established forums as the Ad Hoc Working Group on Immigration in 1986 (Geddes 2003:132).

The Dublin Convention of 1990 sought to terminate the perceived problem in Member States of the possibility that asylum seeker would go 'asylum shopping' from one country to the next if their petition was to be rejected. However, the convention was not ratified until September 1997. Apart from this apparent efficiency problem of the informal cooperation, it was also undemocratic since decisions were made in closed forums without any accountability. However, this informal approach did achieve routine cooperation between the individual Member States' interior ministries, which in turn meant that the cooperation was to be dominated by actors with a security-oriented understanding of migration (Geddes 2003:133).

As this informal intergovernmentalism turned out to be problematic, EU countries had to rethink their cooperation, and landed on the compromise of an intergovernmental pillar of Justice and Home Affairs (JHA) in the Maastricht Treaty. In the treaty it was recognized that asylum policy, external frontiers, immigration policy and policy regarding third country nationals and combating unauthorized immigration were issues of common interest. Earlier supranational regulations on immigration were confined to standardizing visa regulations between Member States (Casey 1998:334). Further, the decision making was kept to unanimity within the

Council of Ministers, leaving a limited role for the Commission or the European Court of Justice (Geddes 2003:133-135).

The ratification of the Amsterdam Treaty implicated that immigration and asylum policies were communitarized, as it brought these policies into the Community pillar, but it did not make them subject to day-to-day processes of integration. When the treaty entered into force in 1999, its Title IV gave the Council of Ministers the responsibility to implement the free movement of persons and related external border control, asylum and immigration measures within five years. The Schengen agreement and its implementation were also to be incorporated in the Amsterdam Treaty (Geddes 2003:136).

Common policy on asylum and immigration was once again in focus in the Tampere Summit in 1999, where agreed upon principles of the Amsterdam Treaty were to be rendered concrete (Miret 2009:69). The state leaders agreed that the common policy was to be based on partnership with countries of origin. In addition, a workable determination of the State responsible for the examination of an asylum application with common standards on processing applications and fair treatment of third country nationals were consented. The official conclusions of the Tampere EU summit of 1999 were marked by an inclusive discourse (Cachón and Laparra 2009: 20). This meant that the necessity of immigration in Europe and the need to secure comparable rights for third country nationals residing legally in the Member States were emphasized. However, the actual consequences have been more perceivable in tighter border controls and the adoption of stricter immigration policies.

4.1.3 Irregular Immigration as a European Problem

The European Council summit of 2002 in Seville has been regarded as the starting point of Spain becoming a driver of communitarian efforts to fight irregular immigration (Pinyol Jiménez 2009:275). The proposition of the Spanish government, led by the conservative José María Aznar, to withdraw development aid from countries of origin that did not cooperate in halting irregular migration was not accepted by the majority of the European partners, including the European Commission. However, the

Spanish government did succeed in consolidating the immigration question at the highest European level.

Spain was criticized by the European Union throughout the 1980s and 1990s for not being tough enough on irregular immigration. Particularly the tendency to combine a tolerance for irregularity with occasional regularizations seems to have annoyed other European leaders. Nicolas Sarkozy, at that time interior minister of France, expressed this view after the regularization of half a million immigrants in Spain in 2005 (Zapata-Barrero and De Witte 2007:89-90). However, it has been a tendency in the first decade of the 2000s that Spain is trying to push the European Union Member States into realizing that the irregularity problem in Spanish immigration is also a European problem. When it comes to the relations with countries on the southern shore of the Mediterranean, Spain has used these on the migration field as an opportunity to ascend to the first tier of European states. For instance, Spain was one of the initiators of the Barcelona Process that involves 15 EU Member States and 12 other Mediterranean states. (Geddes 2003:169).

In 2006, the Spanish socialist government hosted a meeting in Madrid of all the foreign ministers and ministers of the interior of the European Union concerning the management of the maritime southern border. The Vice President of the Spanish government, María de la Vega, underscored the unreasonable high price the country was paying to govern the external border (De la Vega 2006). The proposed solutions of the Spanish government were to Europeanize to a larger extent the efforts and costs of border control, and it was asserted that only cooperation amongst the Member States could effectively fight irregular immigration. This included extra funding for the European border control agency Frontex, as well as common border controls and effective repatriation treaties with countries of origin. In addition, a more equitable repartition of the expenses linked to the humanitarian work for recently arrived boat immigrants was suggested by de la Vega. According to Pinyol Jiménez, the Spanish dynamism in the fight against illegal boat immigration has had an impact in the European approach to the joint governance of the union's external border (Pinyol Jiménez 2009:282). Basically, it has meant that the Member States of the European

Union have affirmed the important role of immigration for the union, including the ties with the immigrants' countries of origin.

4.1.4 Irregularity in the Southern European Immigration System

While continuously narrowing down my topic, I will be placing Spain, the object of study not just within the European frame, but also in an implicit comparison with the other Southern European countries of Portugal, Italy and Greece. The dynamics of immigration are notably different than what has been the case in the North. There is a tendency to see these countries as having been or being in a catching up phase in comparison to the older immigration countries of the North, in terms of immigration policy. However, this dubious assumption implies that these policies have been marked by great success and attainment of objectives in countries as France, Germany and the United Kingdom. This Europe's 'soft underbelly' approach of the Southern countries runs as follows: "weak border control, leading to illegal immigration, creating havens for clandestine immigration" (Geddes 2003:150). Even if there are significant numbers of irregular immigrants in the older immigration countries too, it is not of the same scale as in the Southern countries. According to Cachón, the basic structural functionality of immigration control has more to do with market demands than the formal control shaped within ministries of the interior. In this way, limiting the dimensions of the secondary labor market, which is important in Southern Europe might be just as efficient for limiting immigration (Cachón 2009:162-163). The central dilemma for governments in these countries has been that while the EU and the public opinion are pressuring them to conduct strict external controls to manage migration flows, the deep-seated irregularity and informality of their economies are making the tackling of illegal immigration through tough labor market restrictions problematic.

Further, the regularizations of illegal immigrants have been a distinctive feature of the immigration policy of these countries, which in fact run counter to EU policy. This concept basically means that "the State awards a permit of residency for a foreigner who is at the time living illegally on the State's territory" (Apap et al 2000:263). In the regularization processes in Spain and in other countries there seems

to be an implicit principle of merit, as the immigrants eligible for regularization are those who have a paying job and who have not violated any laws other than being in the country illegally. The regularizations may on the one hand look as a manifestation of a faulty labor market. But they have a virtue in the short term in that they tend to relieve tensions which irregularity produces within society (Cachón 2009: 193-194).

In comparison to countries in North Western Europe, there have been relatively low figures of asylum-seekers in the countries of Southern Europe. According to Geddes, one reason for this is that the alternative immigration dynamics and informal job opportunities led them to become illegal migrants instead of asylum seekers (Geddes 2003:156).

The EU has apparently been an important driver of change in the immigration policy in the countries in Southern Europe. Cornelius even states that immigration policy itself in Spain arose almost entirely as a result of EU pressures (Cornelius 1994:345). The pressure for strict immigration policies from the EU might be seen as fundamental misfit as migrants are needed in the labor market. In addition, implementation problems of the official policy in immigration control remain important (Geddes 2003:157). In Spain as well as in other countries, the EU pressure has been directed towards the external control policy. Opening the 'Pandora's box' of internal controls and state-society relations does not seem to be an appealing alternative approach (Geddes 2003:163). However, as mentioned previously, Spain has also exerted pressure on immigration policy towards the European Union.

4.2 The Evolution of Spanish immigration policy

4.2.1 Spanish Political Parties and Immigration

Between the two marginalized extremes of either complete closure of the borders and those who promote the completely free circulation of the entire world population, the political debate in Spain concerning immigration takes place between those who want a little more liberal policy and those who want a little more restrictions (Casey 1998:338). However, the instant assumptions that the left of the political specter is

always more liberal are not necessarily always correct. For example the business sector of the right has on various occasions appeared more welcoming than some leftist unions, which see the competition of immigrants as a threat to wages. The general contemporary impression though, is a drift towards a more restrictionist stance on the whole specter, as is the case in other European countries (Saliba 2010 [Telephone interview]).

Zapata-Barrero employs a characterization of the political discourse on immigration in parliament not based on parties, but on whether the message of the intervention is classified as belonging to reactionary or pro-active discourse. (Zapata-Barrero 2008:118-119). However, I will insist on placing the Spanish political parties based on their stance on immigration.

The socialist party, the Partido Socialista Obrero Español (PSOE) has been the major party of the left in Spanish politics. The party has been influenced by its traditional ties with the Spanish trade unions, who are proponents of a 'laboralized' immigration policy that may provide realistic possibilities for legal entry for work in Spain for immigrants. Nevertheless, the PSOE, which is now in government, has been in ideological clashes with its partners in the unions on immigration policy because of a reform in 2009 that tightened the possibilities for family reunification. According to the regional migrations secretary of the union Comissions Obreres in Catalonia, Ghassan Saliba, the present minister of labor and immigration, Celestino Corbacho, is trying to symbolize that his party can have an equally tough stance on immigration as the parties to the right (Saliba 2010 [Telephone interview]).

The Partido Popular (PP) is the dominant party of the right in Spanish politics as well as the major opposition party. It was the first party to capitalize on the policy field in elections, by signaling that they were tough on immigration in the 2000 general elections (Zapata-Barrera 2008:121). The PP effectively followed up on their promises by tightening the immigration law when they gained the absolute majority in Parliament after the mentioned elections.

The Catalan centrist nationalist party, *Convergència i Unió* (CiU) should also be mentioned when counting the most important political forces in the field of immigration. As the PP was dependent on the CiU to rule effectively in the VI

Legislature between 1996 and 2000, their attempts to make a more restrictive immigration policy before the general elections of 2000 were thwarted by the CiU (Ospina 2008: 322).

To the left of the dominant PSOE, lies the much smaller Izquierda Unida (IU), which traditionally represents views that favor the implementation of complete rights for foreigners, and criticizes repressive measures against irregular immigration. The IU has traditionally been defending the right of temporary workers to remain in Spain and promoting the irregular immigrants' cause (Casey 1998: 335).

The fear of a degeneration of the Spanish political discourse on immigration is shared by both sides, and there is a wish to avoid that extreme parties take electoral advantage as has been the case in other European countries (Zapata-Barrero 2008:123). However the absence of an extreme rightist party in Parliament should not be regarded as an indicator of extreme rightist forces altogether. The PP includes members and visions that normally are linked to this kind of parties (Curiel 2008 [Lecture]). In addition to the radical right elements of the PP, some Catalan extreme rightist parties, like the Plataforma per Catalunya (PxC) party, are planning to present themselves on an explicit anti-immigration platform for the regional elections later in 2010 (Saliba 2010 [Telephone Interview]).

Further, both sides take advantage of the EU to legitimize their arguments by referring to the need to coordinate with the logics that the other Member States and the European institutions are following. From this point of view, anything that comes from the EU is regarded as good (Zapata-Barrero 2008:123). However, both proponents of a lenient immigration policy and those who support more restrictive measures have in the parliamentary debates employed a dramatic rhetoric. For example a typical intervention from one of the formers said that "It is not possible to fortify the territory, nor is it possible to make it impermeable to the consequences of famine" (cited in Zapata-Barrero 2008:128, author's translation) to emphasize the global causes for migration. Equally dramatic are the metaphors employed by the immigration hostile side, which include expressions such as 'invasion', 'plague', 'avalanche', 'wave' and 'flood' etc of immigrants (Zapata-Barrero 2008:127).

During the VII legislature, the PP made a point of the “calling effect” to justify the toughening of the legislation concerning foreigners. Following this logic, an excessively lenient and open legislation on foreigners would attract more immigrants, and the natural recipe against this would be a continual worsening of conditions for immigrants. (Zapata-Barrero 2008:129).

4.2.2 1985-2000: A Vague Foreign Law and Administrative Leverage

Migration in itself was by no means a new phenomenon in Spain in the 1980s. The country had for a long time experienced internal migration to the more prosperous regions of Basque Country, Catalonia and Madrid. However, the external immigration was a new experience, particularly from Third World countries (Calavita 1998:538-539).

Before the passing of Spain’s first immigration law of 1985, affairs concerning foreigners on Spanish territory were the exclusive competence of the General Directorate of Security within the Ministry of the Interior. The General Directorate administered the concessions, delegations and annulations of permits as well as the expulsions of foreigners. This was in accordance to the discretionary power it got from a Decree of Law from 1974, which interestingly predated the Spanish Democratic Constitution. In spite of this decree being declared unconstitutional, it influenced on the shaping of the immigration law of 1985 (Cachón 2009:168). On the other hand, immigrants from certain countries did not at the time need work permits.

The first Organic Law on the Rights and Liberties of Foreigners in Spain (Immigration Law) of 1985 resulted in a systematization of the existing regulations concerning immigrants, but also institutionalized the rigid border controls. Entry in Spain always had to be preceded by obtaining a visa, which in turn must be preceded by having an offer of employment. The law also provided important discretionary powers in sanctions against immigrants in an irregular situation (Cachón 2009:168). The law had the dual intention of both controlling illegal immigration and guaranteeing the rights of foreigners. Perhaps not surprisingly with two such

ambitions, the law was criticized for being “vague and imprecise” (Calavita 1998:543). The Foreign Law included six main foci:

1. The strict differentiation between foreigners from the EC (Communitarian Regime) and those from ‘Third Countries’ (General Regime). (In this study only the latter ones will be referred to as immigrants).
2. The requirement of visas from non-EC entrants. Some third country nationals were exempt from the entry visa requirements though, like North-Western Africans, Latin Americans and people from other former Spanish colonies. However, this particular arrangement was not to last (Casey 1998:327).
3. Those permitted to enter would need work and residence permits for stays longer than 90 days. As a consequence, the majority of immigrants living in Spain at the time became illegal from one day to the other.
4. The legal resident’s limited rights were granted only insofar as they did not conflict with “national interest, security, public order, health, morality or rights and interests of Spaniards” (Foreign Law cited in Calavita 1998:544).
5. The law made a sharp distinction between legal and illegal immigrants, explicitly excluding the latter ones.
6. At last, the law stated the reasons for which foreigners could be deported from Spanish territory: Lack of proper residence and/or work permits, taking part in activities contrary to the public order or internal security, being convicted of a felony, and being without sufficient funds (Calavita 1998:544).

The handling of applications for residency and work permits was organized under two different ministries, as the work permit applications were to be managed by the Ministry of Labor, while the residency permits were the responsibility of the Ministry of Interior (Cornelius 1994:345). However, the bureaucratic capacities soon turned out to be insufficient. When it came to effectively enforcing deportation of irregular immigrants, this was from the outset impeded by power struggles on the immigration policy field between the Ministry of Justice and the Ministry of Labor (Cornelius 1994:346).

As Geddes sees it, the immigration law for the first time defined the category ‘immigrant’, which in the next stage made it possible to create the category ‘illegal immigrant’ (Geddes 2003:163). In practice, the results of this law were the closing of the legal ways for third country nationals to enter Spain, in addition to increasing problems for the foreigners who already were staying in the country. In turn, this made their integration in society more problematic (Ospina 2008:313). The virtual impossibility to legally enter Spain was caused by the provision that a worker had to obtain a visa while staying in the country of origin after obtaining a contract of employment from a Spanish employer. Before offering this kind of contract, the Spanish employer would need an official declaration stating that there were no available workers in Spain for the position in question (Cachón 2009:168-169).

In spite of the fresh immigration law, the accelerating immigration in Spain from the late eighties was somewhat unexpected, at least at the beginning (Casey 2010 [Telephone interview]). During the period of economic development from 1985, when Spain got its first foreign law, to 2002, both the origin countries of the immigrants and the immigrants’ profiles were changed. However, the Latin American immigration of this period was as the new flow from Northern Africa first and foremost a result of the ‘pull factor’ of the perceived opportunities in the booming Spanish economy (Cachón 2002:104).

An organizational change took place in 1991, as issues concerning immigration were reorganized from the Ministry of Labor and Social Security to the newly formed General Directorate of Immigration within the Ministry of Social Affairs (Casey 1998:327). This signaled a change from a view on immigration management that focused exclusively on labor to a more holistic vision that included the first active integration policies.

As the immigration law prescribed that obtaining and renewing a work permit was dependent on whether there were any Spaniards who were seeking the same kind of work in the same geographical area as the immigrant was applying for, immigrants effectively were relegated to the types of work that Spaniards did not want (Cachón 2009:169). Official Spanish labor immigration policy has been based on two approaches. On the one hand, the principle of preference for national and

communitarian job seekers, and on the other hand a quota system of recruiting immigrants from third countries to precisely the type of jobs where the immigrants already constitute an important group. Accordingly, this tends to reinforce the segregationist and discriminatory tendency in the labor market (Cachón 2002:112).

The first period of significant immigration to Spain was an effect of a change in the level of acceptability of certain jobs by Spanish nationals. Thus, various niches were opened for immigrant workers. This however, did not mean that the immigrants entered orderly and legally to Spain, the majority in fact entered undocumented. This was partly because of the total absence of ways to gain legal entry to the country for third country nationals. In the next turn, immigrants relied on formalizing their status later through the regularizations and the annual quota system. In other words, the administrative regulations were not able to keep up with the development of the demand for unskilled labor. The regularization processes and applications from solicitants to legalize their status were meant to compensate for this situation for immigrants already staying in Spain, and not to induce further immigration (Cachón 2002:113).

The change in the level of acceptability of the Spanish population was connected to the massive profile change of the domestic population. With an increase of 369% of the active population with university studies from 1987 to 2001, the available pool in the secondary labor market has decreased significantly (Cornelius 1994:342). Notwithstanding the concentration of immigrants in certain sectors, their presence even in these ones is relatively modest. In either way, statistics show that immigrants are mostly employed in the jobs defined by the three Ds: dirty, dangerous and demanding (Cachón 2002:120-121).

The Spanish Constitution gives the central state the exclusive competence in managing immigration flows, while the Autonomous Communities and local communities are responsible for certain services within employment, health, housing and education, all of which are expected to concern the integration of the immigrant population (Miret 2009:53). However, this does not mean that there is a neat differentiation between the central state as responsible for admission concerns, while the integration is decentralized to the regional and local levels.

The Spanish law on asylum was up until its reform in 1994 a rather generous one, as it gave ampler rights than what is mentioned in the international Geneva Convention of 1951 (Ospina 2008:319). In this reform, the rapid denegation of obviously fraudulent asylum application was specified. When an application is denied, the solicitant has the obligation to leave the country within fifteen days. In 2006, only 7.8 % of the asylum applications in Spain were accepted (Ospina 2008: 320). Because of the relative overshadowing of the asylum issue in Spain by the irregularity aspect, the asylum regime will not be discussed thoroughly in this thesis.

4.2.3 The Regularization Processes

The immigration law of 1985 prescribed very few details and thus left much leverage to the executive arm to take the measures the government in office saw fit in a policy field that was far from developed (Calavita 1998:545). This led to a kind of ‘muddling through’ approach to immigration policy in Spain during a long time, where concrete policies were worked out with administrative regulations. This has permitted various regularization processes in Spanish immigration history, which as noted means that irregular immigrants may apply for residence and work permits. The first regularization process was formally called the Secondary Transitory Disposition in the immigration law, which gave undocumented immigrants who were already working in Spain the possibility to regulate their situation. Over the nine months that this possibility lasted, 43 815 applications for regularization were handed in (Ospina 2008: 315). Anyway, within three years only twenty percent of the Moroccans who were included in the first regularization process had successfully renewed their work permits, which were dependent on having a formal contract of employment. This unfortunate situation, which Casey denominates ‘de-legalization’ was the first example of regularized immigrants later finding themselves without the proper documents (Casey 2010 [Telephone-interview]).

In 1990, the socialist government presented, at the request of Parliament, a communiqué explaining the basic lines of Spanish policy on immigration (Cachón 2009:170). The communiqué was important as it acknowledged that the country was

facing a phenomenon that would change some of the traits of the Spanish nation. Following the arguments of the communiqué, Parliament approved a government proposition concerning foreigners in Spain. This proposition included a series of administrative reforms, as the creation of the General Directorate of Foreigners within the Ministry of Interior. Further, the Foreigners' Office started its work in 1991, the Interministerial Commission on Foreigners was created in 1992 and the Forum for Social Integration of Immigrants was created in 1995. Altogether this indicated a more active stance of the Spanish government on immigration. In addition, immigrants who had ongoing work contracts, were self-employed in a "lucrative, legitimate enterprise", or had previously had a valid residence and who could prove that they were already Spain by the 15th of May 1991, could apply for regularization. The aim was to rectify the errors that had lead to that only a small amount of immigrants were long-term regularized in the regularization process of 1985-1986 (Cornelius 1994: 354). In this way, the government tried to take action against the earlier mentioned de-legalization.

Another key piece of the change of direction in immigration policy was the establishment of the first annual quota system for authorizations to foreign workers in 1993. The formal goal of this instrument was to canalize and control immigration. In practice however, the result was more a concealed annual regularization proceeding, as virtually all authorizations were granted to immigrants already residing and working illegally in Spain. In addition, because of administrative hurdles, only about one fourth of the 20 000 slots provided were filled. In 1994 the strict regulations concerning the quotas were loosened and this system remains an integral part of Spain's immigration policy. In 2007 for instance, 180 034 non-communitarian workers were contracted through this system (Ospina 2008:348).

A third regularization process was launched as a consequence of the Royal decree 245/1996, approved by Parliament in February 1996 shortly before the general elections. This time it was denominated 'documentation of foreigners', as it targeted immigrants who at one stage had been legal after the first of January 1986. The approved decree also intended to mend some of the instability that immigrant workers were facing. The new regulation provided a fresh system for work permits, which

included a permanent permit for work and residency that could be obtained after living legally for five years in Spain (Cachón 2009:171).

Even if the regularizations present a pragmatic solution to the problematic situation where important quantities of irregular immigrants reside on national territory, they are inherently linked to a dilemma. Simultaneously, they generate the assumption amongst irregular immigrants that their status will soon be regularized anyhow, so there will no longer be an incentive for going through the procedures for legal entry (CES 2004:137-138).

4.2.4 Stricter Immigration Policy with the Foreign Law Reforms in 2000

The first reform of the Spanish Foreign Law took place in the year 2000, at the end of José María Aznar's rightist Partido Popular government's first term. This reform was the culmination of a process which started with a Royal Decree of 1996, where some of the stricter aspects of the immigration law of 1985 were toned down. The law promised important evolutions regarding border control and the permanence of foreigners in the country. However, changes were minor in both the regulation and in the control of the migratory flows (Ospina 2008:321). The priority of the law was to make sure that "foreigners in Spain will enjoy the same equality of conditions as Spaniards" (cited in Ospina 2008: 321, author's translation). The inclusive tone of the reform was mainly caused by the fact that the PP did not have absolute majority in Congress, and therefore ended up with a much more lenient law than it wanted. This was partly a result of the influence of the Catalan nationalist party, CiU, which the PP was dependent on. According to Ospina, a fundamental characteristic of the first reform of the Spanish foreign law in 2000 was the consensus between the political and social forces which were involved in its approbation (Ospina 2008:322). This law was criticized for de facto encouraging illegal immigration, as clandestine immigrants gained access to health and education, and certain political rights such as union membership.

After the general elections in Spain in 2000, when the PP did win the absolute majority, the foreign law was yet again reformed on the 22nd of December. In its

preamble, the motivation of approximating the European Union's communitarian norms was explicitly mentioned. The major characteristic of this reform was its main focus on control aspects, based on well described sanctions. For example, sanctions against transport companies that bring illegal immigrants to Spain were introduced. In addition, the principle of expulsion of illegal immigrants was reactivated, and the consequences for employers of illegal immigrants were mentioned as well (Ospina 2007:330-331). The new legislation also removed the rights of irregular migrants to union membership, the right to association, to demonstrate and to strike (Geddes 2003:168). In this way, the PP of José María Aznar was able to shape the reformed immigration law in a way that it had not succeeded in doing when it relied on the support of the Catalan nationalist party, as was the case before the elections. In addition, in these first years of the 2000s, most of the ministerial competence on immigration issues was concentrated within the Ministry of the Interior (Pinyol Jiménez 2009:272).

In the Spanish labor market on the other hand, the phase from 2000 to 2004 was marked by the continuous expansion of sectors and posts which resort to immigrants to answer the demand of labor, particularly the submerged economy (Saliba 2010 [Telephone interview]). This happened despite the formal 'zero immigration' policy of the PP government.

In 2003, the PP government introduced a bill which included in its title "citizen security, domestic violence and social integration of immigrants" (Cachón 2009:172, author's translation). In this bill it was not as much the substance that was controversial, but that the title linked crime to immigration. It should also be noted that this bill was passed only one week before local elections in Spain.

4.2.5 The Impact of the Zapatero Socialist Government from 2004

After the general elections of 2004, the socialist PSOE government with José Luís Rodríguez Zapatero as its President¹ came to power. This signified a shift in focus of immigration policy, at least during a certain period, from border control towards

¹ Although Spain is a constitutional monarchy, the head of government is denominated President instead of Prime Minister (CIA).

coordination with labor integration. Even if the Spanish Immigration Law did not change during Zapatero's first government from 2004 to 2008, the positive aspects of immigration, for example in economic terms, were underscored (Saliba 2010 [Telephone interview]). According to Cachón, this change in policy has included the acknowledgement of immigrant's rights, an active integration policy, effective management of immigration flows, and most importantly in this study, the creation of a laboralized immigration policy (Cachón 2009 [Interview]).

4.2.6 The CES Report: A New Philosophy on Immigration Policy

A central force in the shaping of the current laboralized immigration policy turned out to be the trade unions CCOO and CGT. The trade unions first presented their proposition for change to employers' confederations in the Economic and Social Council (CES in Spanish abbreviation), even before the general elections of 2004. This particular institution, which has existed since 1991, is a consultative organ for the Spanish government and is composed of both syndicates and employers' organizations (CES 1991). The CES has the right to take the initiative to propose policy changes to the government and this is exactly what it did when the parties worked out a common document concerning changes in immigration policy. According to Cachón, this document is to be seen as the basic political philosophy of the new regulations, which allows foreign workers to enter legally in Spain (Cachón 2009 [Interview]). The CES report which was presented to the government in 2004 underscored the necessity of a kind of system that could effectively connect foreigners who are willing to migrate to Spain in order to work, and the potential employers demanding their labor (Cachón 2009:178).

As the syndicates evaluated the situation, the existing systems of work permits and the annual quotas needed important improvements to obtain a functioning system for legal entry to work in Spain (CES 2004:129-130). Further, an improved system would have to take into account the presence of large quantities of irregular immigrants. The efforts of the government should, according to the CES report, be focused on clear and simple procedures, flexibility in processing and permanent

contact with employers. Secondly, the administration of the work permit system would have to be simplified and unified in order to gain efficiency and credibility, while guaranteeing both the rights of workers and the demands of employers.

The CES report also validated that the quota system was functioning in a more appropriate way after the reforms of 2000 and 2001, in that the quotas were now referring to actual vacant posts, and not as a concealed regularization (CES 2004:131). However, the syndicates asserted that this kind of system by nature could not respond efficiently to the demands of the labor market, while also guaranteeing workers' rights. In addition, a solution for irregular immigrants was also proposed in the report. This included a development called regularization through "arraigo", which expressed regularization on individual basis (CES 2004:138-139).

4.2.7 From Philosophy to Regulation Changes

Consuelo Rumí, the new Secretary of State of Immigration, expressed the will of reform when she appeared in Congress in June 2004, to explain her socialist government's immigration policy. Here, she expressed that the policy field would be prioritized in the legislature, and that a new policy would be formed through compromise with the Autonomous Communities, municipalities, trade unions, businesses and non-governmental organizations, as well as other political forces. She justified this will to reach a broad compromise by the conviction that the immigration phenomenon had such an importance for the coexistence in Spanish society that any unnecessary confrontations should be avoided (Rumí 2004). Consuelo Rumí admitted that the results of the management of legal labor immigration to Spain up until the moment had been very unsatisfactory. The reason for trying to mend this situation, Rumí said, was that effective canals for legal immigration was the single best disincentive for would be irregular immigrants for embarking upon a dangerous journey only to achieve a marginalized undocumented existence. She also judged unsustainable the present situation where the majority of the more than one million immigrants who were working legally in Spain at the moment, by default had to go through a phase of irregularity. This is why the government wanted to discard the

possibilities of further regularization processes, as they ended up becoming factors of attraction for potential irregular immigrants. A physical manifestation of a new focus on immigration, was that Rumí, moved her offices from the policing-oriented Ministry of Interior to the Ministry of Labor (Pabón-López 2007:18-19).

As a consequence, an elaborate system of legal entry for work immigrants was put in place. Contrary to the earlier quota systems, the new regime provides a much more realistic possibility for legal entry for work immigration, for example 500 000 people arrived legally to work in Spain in 2008 (Cachón 2009 [Interview]). To a large extent, this system represents the implementation of the changes proposed in the CES report.

In the new regulation of the immigration law of 2004, the requisites for foreigners who wish to live and work in Spain are established. In fact, this regulation opened another regularization process, denominated the Normalization. This process, which is intended to be the final regularization, applied for irregular immigrants who were working in the country, and who had a job contract with the duration for at least six months, who had lived in Spain for at least six months and who did not have a criminal record. When the process closed, the Ministry of Labor and Social Affairs declared that 573 270 of the 688 419 applications had been approved (Ospina 2008:347).

Spain was criticized by other Member States in the EU, as the normalization would have consequences on the whole of the Schengen Area. But Spain appears to legalistically be in its right to conduct the process, as the transfer of power on immigration policy is not complete. The fact that immigrants were only granted temporary work permits as a result of the process, means that they would not have the normal freedom of movement in the EU (Pabón López 2007:29). As the normalization happened during an economically prosperous period, the immediate economic gains were massive, not least because of the 8 billion € contributed by the regularized immigrants in taxes (Pabón López 2007:31). But as the normalization has a limited time scope, regularized immigrants yet again risk to become de-legalized at a later stage.

The new regulation also included an individual regularization procedure in accordance with the “arraigo” principle. “Arraigo” means roots, and is thus figuratively referring to immigrants who have taken roots in Spain. The regularization through the “arraigo” principle first appeared with the reforms of Spanish immigration law in 2000. The inspiration of this principle was found in comparative law that established resorts for irregular immigrants who could present exceptional circumstances that would weigh heavily against expulsion. At the same time as resolving the situation for these irregulars, the individual “arraigo” principle means that the government does not have to resort to the kind of massive regularizations which are described earlier (Cachón 2009:197). The PP government of Aznar had attempted to limit the conceding of “arraigo” regularizations through another reform in 2003. However, as this reform did not include any substantial content, Zapatero’s PSOE government was able to assign new meaning to the law (Cachón 2009:198). In the current system, an irregular immigrant may apply for labor “arraigo” regularization, “arraigo” regularization for family reasons or social “arraigo” regularization. The PP is still vehemently opposed to the arrangement. The PP speech person on immigration policy, Rafael Hernando calls it “a devilish system where a person may arrive illegally, then stay in the country for three years, and then obtain the papers” (cited in Partido Popular 2010, author’s translation).

In addition to the above mentioned changes in regulations, the government sanctioned the EU directive on the right of family reunification, as well as the directive on the rights of third country nationals living in the EU (Cachón 2009:174). At the same time, the central government approved several Autonomy Statutes that transferred the competence of administering work permits to the Autonomous Communities. Catalonia started, as the first Autonomous Community, to administer work permits the 1st of October 2009 (Saliba 2010 [Telephone interview]). This shows that the central state is not anymore necessarily the only relevant unit when studying immigration policy, including even the admission aspects of it.

Even if the main impression of these processes suggests a softer approach to immigration, the fight against clandestine immigration remained an objective of Zapatero’s leftist government. The State Secretary of Immigration, Consuelo Rumí,

legitimized this position with the argument “without legality, integration cannot exist” (Rumí 2004, author’s translation). When Consuelo Rumí explained the government’s immigration policy, she stressed that this was one of the strategic goals of the government, and that the new government had every intention of standing firm in the fight against irregular immigration. The measures the government would resort to were sanctions against transport companies, the increase of expulsions, as well as better readmission treaties with countries of origin. The government saw these readmission treaties as an indispensable effort in Spain’s immigration policy. In addition, it was proposed to expand the readmission treaties to include countries like Ghana, Cape Verde and Guinea-Conakry, in addition to the countries with which treaties already existed (Rumí 2004). The main motivation for these countries to agree on the treaties was to become eligible for the new contracting system of workers in their countries of origin (Santolaya 2009:85).

4.2.8 The Boat Immigrant Crisis

During the year of 2005, to the satisfaction of the Spanish government, the arrival of illegal immigrants in boats to Spanish territory diminished, as the number of detainees decreased from 10 042 in 2004 to 6 361 in 2005, according to Consuelo Rumí. An important factor to reach this goal, she argued, was the cooperation with Morocco to control illegal immigration (Ospina 2008:349-350). However, this led to a massing of irregular migrants in Morocco, which in turn resulted in various dramatic episodes, particularly near the Spanish enclave Melilla. In addition, as the route which illegal immigrants earlier took from Morocco over the Gibraltar Strait was effectively shut, immigrants were diverted to trying to cross from Senegal and Mauritania towards the Spanish Canary Islands (Ospina 2008:351). Only between January and August of 2006, nearly 20 000 African boat migrants reached the archipelago, which was an unprecedented level. Even though the percentage of immigrants entering Spain as boat immigrants has been low, this phenomenon was given very much attention by both Spanish media and politicians. It was informed by the government that Spain was trying to curb the inflow of illegal immigrants through accords with the governments

of the countries of origin, combined with effective vigilance of the maritime migratory routes.

The migration flow towards the Canary Islands is in fact very small compared to the total immigration in Spain, and does not even represent 5 % of the total inflow each year (Cachón and Laparra 2009: 28). Up until 2006 the major part of immigration was irregular, but this was normally done with much less dangerous modes of transportation like planes, cars or buses. It could also consist of simply overstaying a visa. As a migration policy problem, the inflow of African migrants is therefore not important. Limiting the number of persons trying the dangerous journey, and in that way reducing humanitarian cost in the form of human lives, however, is an important issue. Still, the dramatic images have contributed to the perception of the general Spanish population that nearly all immigrants are illegal (Cachón and Laparra 2009:28).

4.2.9 A Changing Model for Immigration: Emerging possibilities of Legal Entry

In either way, the boat immigrant crisis showed that the traditional Spanish model for immigration the last decade, which has been based on irregularity as an important element, has had its limitations. In turn, this led to poor control by the public administration because of little experience and few institutional and administrative mechanisms related to the planning, regulation and management of the migratory flows. The main reason for the persistence of irregularity has been the characteristics of the Spanish labor market which offers job opportunities even when one does not hold a work and residency permit. In a way, the informal economy and irregular employment lock immigration in irregularity, and thus the room for forging a coherent immigration policy is limited for Spanish decision makers (Cachón and Laparra 2009:30).

This model of irregularity now seems to fit a little less precisely to the situation on the ground in Spain. For example, the share of formal work has been increasing steadily since the mid nineties. In addition, the introduction of new regulatory tools for managing the immigration flows has been contributing to this development. Amongst

these tools is the possibility for foreign workers to obtain authorizations for staying and working in Spain through being contracted by Spanish firms in their countries of origin. Additionally, the possibility of flexible employment for those who apply for this kind of authorizations, the possibility for irregular immigrants to obtain residence authorization through the “arraigo” principle or family reunification are included.

To reach the new mixed system of realistic possibilities of legal entry, combined with readmission treaties with countries of origin, the history of Spanish immigration management has different periods: From the general immigration regulations, that has been impossible to practice, via the false quota system and the real but scarcely utilized quota system between 2000 and 2004 (Cachón 2009:178). An additional aspect from 2005 onwards is the possibility of immigration through family reunification. Even if this formally is not equivalent to work immigration, it has become an important route of entry in the Spanish labor market, since these immigrants are eligible for obtaining work permits in Spain.

4.2.10 Economic Crisis and Immigration Policy

The financial crisis since 2008 has certainly had its effects on specific sectors where foreign workers are concentrated, like in construction. This might reduce the attractiveness of the Spanish labor market for potential immigrants. It also risks that parts of the economy answer to the crisis by again submerging into the informal economy, with a strengthening of the tendency to contract irregular immigrants (Cachón and Laparra 2009:30-31).

In at least the short term, immigration has had important implications in a positive way for both the economic development and for the sustainability of the Spanish welfare state. The regularization processes in 2005 alone led to the emerging of nearly 600 000 clandestine workers, who afterwards contributed an estimated 1, 5 billion € in taxes in the fiscal year of 2006. In the years between 2001 and 2006 an estimated 50 % of the increase of the BNP could be attributed immigration, according to the Presidential Economic Office (Cachón and Laparra 2009:35).

In the second term of Zapatero's PSOE government from 2008, the name of the Ministry of Labor was renamed the Ministry of Labor and Immigration (Cachón 2009:175). Notwithstanding, the structure State Secretariat of Immigration has remained the same as before. However, the direction of Spanish immigration policy seems to have taken yet another turn during the last years. As is well established, the country now traverses one of its worst economic crises of history. According to Ghassan Saliba, the immigrations secretary of the labor union Comisiones Obreras in Catalonia, the PSOE government has reacted to the economic crisis by taking a more restrictive stance when it comes to immigration policy (Saliba 2010 [Telephone interview]). It is further asserted by Saliba that the inclusive discourse of the PSOE was significantly changed in 2008 with the arrival of a new minister of Labor and Immigration, Celestino Corbacho. The latest reform of the immigration law, which was passed in November 2009, represented a significant tightening of policy. This included an expansion of the internment of irregular immigrants from 40 to 60 days. In addition, the reform limited the right of family reunification for immigrants residing legally in Spain (ABEDIE 2009:8,48).

5 Analysis

In the analysis chapter, I will employ the perspectives of organizational theory to explain the major characteristics of the Spanish immigration policy field. The respective theoretical perspectives will focus on the empirical aspects that they are best suited to explain. This is why the theoretical perspectives not always offer competing interpretations of the same empirical evolutions.

5.1 The Instrumental Perspective

In this section, central aspects of the Spanish immigration field will be explained with the basis of the instrumental perspective. Firstly, it will be explained how the different organizational approaches to immigration policy reflect the goals of the varying political parties in government. Secondly, the important regularization processes in Spanish immigration history will be interpreted as a quasi-solution of political conflict. Lastly, the specific specialization principles of European immigration policy cooperation will be explained on the basis of the coalition variant of the instrumental perspective.

5.1.1 Competing Principles of Horizontal and Vertical Specialization

As immigration to a country increases over time and the public agencies concerned with immigration affairs employ more persons, it is expected that the formal instructions and procedures will be made more explicit. Because of the severe administrative incapacities on immigration, it could be argued that the formalization of the Spanish immigration policy field has not kept up with the increasing demands for organizational solutions.

The differing approaches to immigration policy which have been followed on the immigration policy field by the varying governments in Spain may reflect the discretionary power of the political leadership, which is asserted in the instrumental perspective. In the instrumental perspective, the political-administrative structure is first and foremost a tool for the political leaders which serve to achieve goals. It is

argued, the formal structure of the immigration policy field has to a low degree been inhibiting when the political leadership in Spain has decided the strategy. The instrumental perspective would interpret changes in policy as a change in the perception of means/goals analysis of the political leaders. It is hardly surprising that the rivaling Spanish political parties do not share the same perceptions of problems and solutions on the immigration policy field. But significant policy changes have taken place even when the same government has stayed in power for consecutive legislatures. For instance, the current minister of labor and immigration, Celestino Corbacho, has taken a stricter position on immigration issues than his predecessor from the same party.

The reactive approaches of Spanish leaders on the immigration policy field can hardly be said to represent an instrumental planning of the future. However, the organization of the field has to a certain extent reflected the focus of the governments in office. In Spain, the specialization and coordination principles of the immigration policy field have somewhat varied. But it is argued that the main tension in regard to horizontal specialization has been between a security oriented and a labor oriented approach. During the years of government of the Partido Popular, the security approach was dominating, as immigration issues were mostly organized within the Ministry of the Interior. However, from 2004, a centralized model containing a coordinating agency of all matters related to immigration within the Ministry of Labor was chosen during the first PSOE government of Zapatero. In this way, it was very clearly stated by the PSOE government that immigration was to be treated primarily as a concern of the labor market. Accordingly, this move indicated a horizontal centralization of the immigration field, as both matters of admission and integration were gathered within the same ministry. Further, the rebranding of the Ministry of Labor to the Ministry of Labor and Immigration in 2008 might also be interpreted as the desire of a more holistic approach to the policy field. This current model is combining a system for legal work immigration adapted to the needs of the Spanish economy, while it is supposed to guarantee efficient expulsion of irregulars. The system that allows for contracting immigrant workers in their countries of origin

testifies that organizational changes make a difference, despite major problems with an irregularity rate that has continued to be elevated.

Further, it is claimed that the reorganizations of 2004 also represented an element of vertical coordination, motivated by the desire for stronger political control. This was secured, as the State Secretariat of Immigration and Emigration was placed within the Ministry of Labor. In this way, the professional autonomy and decreased political control, which the instrumental perspective regards as a consequence of vertical specialization, was avoided (Egeberg 1999:158). This is because the instrumental perspective affirms that vertical specialization tends to increase professional autonomy and decrease political control. In this way, it is improbable that the State Secretariat starts to shape policy, in contradiction to the wishes of the government. It is underscored, the organization model of a secretariat instead of a more independent agency, reflects the prioritizing of control over autonomy of the immigration policy field. Accordingly, coordination and political control seems to have been dominant concerns by the current PSOE government at the national level. Notwithstanding, vertical specialization of the executive branch at the national level is not the only type of power devolution possible. Indeed, decentralization of competence to the autonomous regions has taken place simultaneously as the coordination efforts at the national level.

When it comes to the decentralization of competence to issue work permits to autonomous Catalonia, it can be interpreted as running contrary to the coordination attempts of the socialist party PSOE on the policy field. It is true that as the Autonomous Communities already possessed various competences on the integration aspects of immigration, it might only be reasonable that they also handle work permits. However, the possibility for the Spanish government to coordinate the inflows of immigrants on a national level, might be challenged as Catalonia is the Spanish region that traditionally has been most affected by immigration.

The impression of a tendency towards a more centralized and coordinated organization of the immigration policy field in Spain is therefore somewhat disturbed by the devolution of competency to some of the Autonomous Communities. From a strictly hierarchical instrumental perspective, it might seem odd to follow two

seemingly counteracting principles at the same time. But in real life, reforms with elements of both centralization and decentralization at the same time have been rather normal in public management reforms in western countries (Christensen et al 2004:37). It could be asserted that the solution reflects the idea that the setting of the frames and procedures of the labor immigration system is being kept at the central state level, included a strengthening of organizational capabilities, which was embodied with the establishment of the State Secretariat. At the same time, deciding the amounts of immigrants needed is delegated to the Autonomous Communities which experience the largest immigration pressures. Further, this may reflect the desire of national politicians to lead in general lines, while delegating daily management to the regional level. On the other hand, deciding the amount of permits for immigrant workers is certainly no triviality, but challenges the exclusive competence of the nation state to determine who may enter the territory legally.

It is further important to acknowledge the relevance of the coalition variant of the instrumental perspective when it comes to analyzing this decentralization of competence: The PSOE government is relying politically on powerful groups which strongly favor devolution to the regional level, namely the CCOO union and the moderate Catalan nationalist party CiU. It could therefore be argued that this specific aspect of the reorganizations led by the PSOE government is a compromise with their political partners.

5.1.2 The Regularization Processes as Quasi-Solutions of Conflict

It is argued that the regularization processes of irregular immigrants which have taken place in Spain contain elements of quasi-solutions of conflict, in accordance with the coalition variant of the instrumental perspective. By not vouching for either very strict enforcement of immigration regulations or a lenient official policy, several problems are being postponed. The first option might have settled the fundamental challenge of irregular immigration in Spain once and for all. However, it would have been extremely costly. This would include direct costs related to police operations of the forced expulsion of irregular immigrants. Further, indirect costs in the form of reduced

revenues for employers who contract irregular immigrants in their businesses, would have had to be included in the equation. As a result, this is a compelling argument not to carry out officially strict immigration policy. The alternative of a significantly liberalized immigration policy would on the other hand be hazardous, politically speaking. The compromise of maintaining the strict laws on immigration while at the same time granting a temporal amnesty for irregular immigrants, has therefore been chosen at various instances of the evolution of Spanish immigration history. In the short term, the regularizations may have eased social tensions by issuing documents for irregular immigrants who thereby can leave behind a marginalized clandestine existence. As has been mentioned, the government benefits from immediate gains, as regularized immigrants equal tax-paying immigrants. In addition, as Spain has been characterized by important quantities of irregular immigration, the very process of achieving proper residence and work permits might be seen as a crucial first step of the integration of immigrants into society. Notwithstanding these immediate positive consequences of the regularization processes, they make it increasingly difficult to deter would be irregular immigrants from entering the country. This is because potential clandestine immigrants may get the impression that they can just as well enter Spain, as they expect to be regularized eventually.

5.1.3 Specialization Principles at the European Level

At the European level, the instrumental perspective may explain the outcome of the cooperation on immigration. It has been argued that the immigration phenomenon has been criminalized, partly as a result of the organization principles on immigration policy of the European Union. In this study, it is argued that a security oriented purpose specialization principle has been dominant in the European Union, as communitarian immigration concerns have been organized under the Justice and Home Affaires Pillar. The issues defined as being of common interest have mainly included external border control, converging asylum policies, as well as the fight against irregular immigration. It is further argued that this specialization has had significant effects on how the immigration phenomenon is perceived at the communitarian level.

By involving primarily the interior ministries in the interstate cooperation, immigration has come to be regarded as a law and order problem.

However, immigration policy is composed of both regulation of migration flows and the integration of immigrants in the receiving societies. The omission of creating common policy on integration of immigrants in the European Union can be interpreted as a non-decision based on the coalition variant of the instrumental perspective. Individual Member States have been dependent on increasing coordination on the admission aspects of immigration policy, particularly as the Schengen treaty has meant the abolition of internal borders in the zone. However, the lack of interest in creating a common European integration policy by the Member States may be explained by the challenge this would pose for the prerogatives of national governments on fundamental state-society relations. The trade-off with increased efficiency, which remains an important argument for cooperation on the admission aspects, does not seem to be of significance on the integration field. In this way, the coalition of individual Member States who refuse to give up ownership on integration policy is a dominant one, while the supranational institutions are being excluded.

5.2 The Cultural Perspective

When analyzing the Spanish immigration policy field with the cultural perspective, the particular institutional context of the Spanish economy will be assessed. In the next turn, the path-dependency and increasing returns theories will be employed to explain the dynamics of irregular immigration in Spain. Next, the logic of appropriateness and ambiguity of appropriateness variants of the cultural perspective will be employed in turn to interpret the outcomes of two interconnected processes, namely the contracting system of 2004 and the last normalization of irregular immigrants. At last, the transformative change theory will be used to explain how incremental changes have led to significant outcomes on the immigration policy field both in Spain, and in cooperation within the European Union.

5.2.1 The Spanish Immigration Policy Field in a Unique Institutional Context

The volatility of the Spanish immigration policy field can be said to reflect the low degree of vertical institutionalization of the policy field. As the different agencies concerned with immigration have been organizationally dispersed up until 2004, it seems improbable that a specific organizational culture has developed within the administrative agencies concerned with immigration. At least, there is little evidence of values and informal norms that have developed organically as a result of handling immigration issues. In addition, as the immigration policy field emerged in the 1980s, Spain did not have any predating experience with the phenomenon and only a few institutionalized rules on the field. In this way, political leaders and institutional actors had to try to manage immigration policy without any relevant precedents. According to the cultural perspective, this means that administrative organizations concerned with immigration do not seem to have become institutionalized. When following the logic of appropriateness, it is no surprise that the rule of law has not been taken for granted in this kind of situation (March and Olsen 2006:8).

However, it is argued that traits of the Spanish political culture in general have had significant effects on the outcomes of immigration policy. Because of the institutionalized ties in Spain between business and governments, regardless of their political color, seriously pursuing employers who hire irregular immigrants is judged to be difficult (Cornelius 1994:348). In this way, control of employers has been avoided, while external border control has been increasingly prioritized during the period. This shows how the unique culture of a country influences outcomes on a policy field. According to the culture perspective, political leaders, who are institutional members of the same system, are severely restrained by the informal institutional rules of the political culture.

The horizontal institutionalization of the immigration policy field in Spain seems to be significant. Immigration to Spain, which has been dominantly characterized by irregular work immigration, is tightly linked to other important field of Spanish society. By providing central sectors of the economy with cheap labor, the immigration system marked by a large degree of irregularity is associated with heavy

economic interests. Consequently, the system has important domestic stake holders who draw benefits from the cheap labor which irregular immigrants provide. It is argued that this creates different incentive mechanisms to maintain the current system, than in countries where immigration takes the form of asylum seeking, which provides less immediate economic gains for the destination countries' economies. Accordingly, immigration concerns are not isolated from the economy, but possess significant horizontal linkages to other spheres of Spanish society. By enforcing the strict immigration regulations on the internal labor market, the sectors which employ irregular immigrants would suffer. As a result, this has not happened. It is therefore argued that the informal rules of the Spanish economy have been able to trump the formalized rules and laws on immigration.

In this way, institutionalization of the Spanish economy as a whole has significantly affected the evolution on the Spanish immigration field. The agrarian, construction and service sectors, which have been the motors of the Spanish economy, have been dependent on access to unqualified labor at low costs. To a great extent, the country's large and diversified underground economy, which has become more and more dependent on immigrants as Spaniards are less inclined to accept the types of jobs offered in it, has provided the mainstream economy with this labor (Cachón and Laparra 2009:30). This means that the institutionalized informal practices in the Spanish economy have shaped the Spanish immigration system. It is therefore difficult to explain the general irregularities in the Spanish economy without resorting to the cultural perspective, as this is the perspective that highlights the informal aspects of institutions. A peculiarity of Spanish culture, namely the tradition for hiring off the books in the Spanish economy, has probably affected the acceptability of irregular immigration as well. It can be argued that this tradition from the outset created a specific path of the Spanish immigration system, as it facilitated the possibility for immigrants to obtain employment without having the formally necessary permit. Subsequently, this converted Spain into an attractive destination country.

5.2.2 Path-Dependency and Increasing Returns

The path-dependency and increasing returns theories give importance to the historical context which a phenomenon emerges in. In order to perform this temporal oriented analysis, important societal evolutions preceding the emergence of the Spanish immigration system are examined. In this way, it is argued that the economic crisis in the 1970s was an important factor of explanation for the particularities of the Spanish immigration system. As a result of this crisis, the labor system of the country was deeply segmented, where there is still a sharp distinction between fixed contracts and temporal contracts. Indirectly this segmentation shaped the profile of the immigration to the country, as the tradition for hiring off the books became widespread. It is argued that preceding events shaped the immigration phenomenon which only started to gain importance over a decade later (Cornelius 1994:343). This economic crisis is therefore interpreted as a critical juncture which has determined the posterior evolution of the Spanish immigration system. This is because a secondary job market in demand of irregular labor was already in place when immigrants started to arrive in larger numbers. Due to the timing, later efforts of Spanish politicians to direct immigration towards functioning legal channels have not had the desired effects because of the concentrated increasing returns of the persisting irregularity.

Even if important actors in Spanish society have gained economically, there does not seem to be much evidence that the evolution of the Spanish immigration system first came about as a result of coordinated moves with this motivation. The locking in of an institutional path may originate from factors which are not purely functional (Pierson 2000:264).

In the next turn, employers who took advantage of the cheap labor that the unqualified irregular immigrants provided, specialized their businesses to labor intensive production, and therefore acquired vested interests in the system. In this way, a locked in path-dependent pattern was crystallized. As the Spanish economy expanded throughout the nineties, other options for managing immigrant inflows and also restructuring of the Spanish economy were associated with a significantly higher relative cost. Consequently, it is asserted that the continuing tolerance of irregularity in

the Spanish economy, to the benefit of some segments of it, has led to power asymmetries that are very difficult to reverse, as a consequence of dynamics of increasing returns. Over a substantial period of time, the processes of positive feedback have benefitted the construction and service sectors in Spain in a way that have made political debate and conflict concerning the basic economic arrangements highly unlikely (Pierson 2000:257).

The economic crisis that Spain is going through at the moment has to a large extent been seriously aggravated by the reliance on the labor intensive service and constructions sectors. These are as mentioned the sectors where irregular immigrants tend to be concentrated. Furthermore, these sectors are typically very sensitive to economic growth cycles. The cyclical evolution is conventional economical knowledge and it should have been possible for Spanish politicians to reorient the national economy. At least, this would have been the interpretation of a more rational instrumental perspective. By taking advantage of the human capital of the Spanish population there might have been prospects of restructuring the economy to a more knowledge intensive one. But the immediate costs, including political ones, attached to such a restructuring are expectedly very high. This short term cost of institutional changes reinforces the dynamics of increasing returns. The alternatives which present the lowest costs in the short term are consistently chosen. In addition, the significant incomes created by the economic take-off in Spain up until the current crisis, may have contributed to the postponing of a possible restructuring. In this way, the economy has continued to be dependent on irregular immigrants. As Pierson underscores, politicians are motivated more by gains in the short term than in the longer term (Pierson 2000:261).

This shows another insight of the cultural perspective that underscores the importance of the institutional framework: Governments come and go, but the basic dynamics of the Spanish economy have remained. Even if a new government arrives in office with relatively correct perceptions of the major problems that society faces and specifically within the immigration policy field, it will not have the power to change these institutionalized dynamics. Irregularity is an important factor in the Spanish economy, which it had been for a long time before immigration emerged as political

issue. Clearly, formal rules have not been enough to stem this institutionalized irregularity as there is no apparent lack of legislation concerning the economy in Spain either. Further, the institutional capacity of control does seem to be very limited. This seems to be particularly the case once irregular immigrants have succeeded in reaching the Spanish territory, as border control is prioritized higher than internal control in places of employment.

5.2.3 The Logic of Appropriateness in Immigration Policy Decision Making

It is possible to interpret the process preceding the rearrangements which led to the new system for contracting workers in their countries of origin, by employing the logic of appropriateness. The Economic and Social Council (CES) does have the right to propose changes in policy for the government in office. However, only the meeting points are formalized, as there is no obligation for the government to follow the advices of the council. All the same, in 2004, the PSOE government actually implemented the majority of central proposals from the CES report which is called the political philosophy of the changes of regulation. This shows that not only formal rights of decision are relevant when policies are analyzed. As a minister of a partly corporatist state, it can be appropriate to take into consideration advice from the labor unions and the employers' organization. As the CES report of 2004 represented the coordinated view of these organizations, it was particularly appropriate to introduce the contracting system. The power of the logic of appropriateness does not seem to be too strong though, as the role of the CES has been significant only during the governments of the PSOE, which has been more explicitly including other social forces. During the rule of the PP from 1996 to 2004, the CES seems to have had very little influence over immigration policy. In either way, the CES is visibly valued by the members from the labor unions, as it at least provides an obligatory meeting point between parties of the labor system and the government: "They don't have to listen to us, but at least the Spanish Constitution obliges the government to meet us in the CES" (Saliba 2010 [Telephone interview], author's translation).

In addition, the different possible modes of accounting present in the logic of appropriateness may shed light on the regularization processes. Granting regularization for illegal immigrants might be accounted for either on the basis of consequences or on the basis of appropriateness. The regularizations of irregular immigrants in Spain might clearly have been inappropriate in some ways, as it is a kind of reward for people who are not acting in accordance with the law. But the argument of estimated positive consequences seems to have prevailed.

5.2.4 The Absence of Formal Regulations Leaves Room for Informal Values

It is possible to interpret the relationship between the regularization processes in Spain and the European Union's reactions from the alternative ambiguity of appropriateness approach of the cultural perspective. Spain has had to conform to formal European rules, including rules concerning immigration policy. But in the case of the regularizations, it is argued that there was a lack of formal rules against them. As explicit formal rules concerning the regularizations of irregular immigrants in the common European immigration policy were not present, Spain had the possibility to go ahead with the regularizations. In this particular situation, the outcries from more powerful partner countries preceding the large regularization process in 2005 were not sufficient to deter the Spanish government from implementing them. In this way, the absence of formal prohibition of regularizations in the communitarian agreements left a room for informal values to have effects. The informal values of the unions and employers' organizations, based on labor class solidarity and loyal competition, can therefore have constituted a significant factor, when these institutions in the first instance laid pressure on the newly elected PSOE government.

5.2.5 Transformative Change

How institutional actors interpret and take advantage of the existing rules is an interesting aspect which is emphasized in the transformative change theory of the cultural perspective. It is highly doubtful that Spanish politicians who passed the first

immigration law in 1985 were aware of its consequences, as the country was not yet experiencing any significant immigration. The majority of the fundamental principles of the immigration law of 1985 have survived the different reforms which have taken place on the policy field. Still, it is argued that different governments have been able to make incremental changes of policy within the basic framework, which have amounted to significant outcomes. The most important incremental change on the policy field seems to be the political non-decision to tolerate a steadily increasing number of irregular immigrants. At a certain point, the number of irregular immigrants have risen to a number so high that the premises for shaping immigration policy are unrecognizable, compared to the situation when the first immigration law was passed.

A more active effort to attach new meaning to an institutional rule took place when the PSOE government in 2004 introduced the system of individual “arraigo” regularizations (Cachón 2009:198). The principle of “arraigo” was in fact theoretically introduced by the rightist PP government, as part of an amendment to the immigration law in 2003. However, the object at the time was to rule out the possibility for further regularizations altogether. It is not plausible that leading actors in the PP government knew that the regulation they introduced would be manipulated by the PSOE, once in power, to effectively introduce the individually based “arraigo” regularizations. In this way, elements of existing arrangements were removed, while others were added, as it is asserted in the transformative change theory of the cultural perspective.

The transformative change theory may also provide a complementary explanation of the security focus of common immigration policy at the European level. It could be argued that the horizontal specialization of immigration concerns under the Justice and Home Affairs Pillar represents a form of transformative change through layering. There has been a growing focus on border control, while other aspects as integration policy and member countries’ market structures have been omitted (Geddes 2003:163). The initial focus on external border control seems to have benefitted from differentiated growth, as each new initiative on immigration incrementally has resulted in a strong security emphasis. In this way, the outcome of a law and order focused immigration policy cooperation is not primarily understood as the result of coordinated cooperation between equal partner countries. Instead, it is argued that some of the

Member States have managed to impose their security oriented solutions on the immigration policy field incrementally. The requirements imposed on new Member States to conform to strict immigration policies seem to have contributed to the evolution.

5.3 The Myth Perspective

In this section, the instrumental perspective will be contrasted by an interpretation which asserts that formal reorganizations mainly function as symbolic statements. Further, it will be explained how the rhetoric and the actions of Spanish politicians have been decoupled, in accordance with the myth perspective. The deterministic ideational power of myths will be illustrated by analyzing the recent shift towards stricter immigration policies in Spain. In addition, it will be analyzed how the European Union functions as the dominant entity in the institutional environment in relation to the Spanish immigration policy field. Ultimately, the interpretations of important aspects of Spanish immigration policy field by the virus theory approach, will dispute the ones made by the conventional myth perspective.

5.3.1 Symbolic Use of Formal Reorganizations

Opposed to the instrumental perspective, the myth perspective seriously questions the effects of formal structure. It is therefore important to present the interpretation of the myth perspective of the organizational changes. Firstly, the various relocations of competence of immigration concerns do not seem to have changed the basic dynamics of the Spanish immigration system. It is conceded that they reflect the ideological understanding of the immigration phenomenon by the two major parties. But it is argued here that the reorganizations mainly represent the desire of the governments in office to make symbolic statements of their priorities of immigration policy. In very general terms, the Partido Popular (PP) has sought to reaffirm their position as the law and order party by signaling a security focus, as immigration concerns were specialized within the Ministry of Interior during its two terms from 1996 to 2004. On the other hand, the Partido Socialista Obrero Español (PSOE) coordinated all

immigration concerns under the Ministry of Labor in 2004, “in a move calculated to appear welcoming to the immigrants” (Pabón López 2007:18). Accordingly, what is emphasized is the symbolism of these actions, which does not reflect their effectiveness.

The security focus of the PP, which also included formally very strict laws on immigration, did not seem to in any way stem the irregular immigration to Spain. In fact, it is argued that the submerged economy expanded greatly from 2000 to 2004, during the second term of the PP. As a consequence, irregular immigration increased in this period. Because of the distance between the stated goals of official policy and the practical reality, it is argued that this is an example of ceremonial accounting of official policy.

However, it may be argued that the laboralized approach of the PSOE represents just another rationalized myth in Spanish immigration policy. Regardless of political party, the goal to efficiently canalizing the immigration flows into a functioning system of legal immigration has been more or less focused. This goal might be said to reflect the overly optimistic view of formal structure in modern society, which is underscored in the myth perspective. In this sense, the goal is interpreted as a rationalized myth. The contracting in countries of origins is probably not enough to put an end to irregular economic activities by immigrant workers and domestic employers. However, by emphasizing the program, socialist politicians are able to boast of having a proactive policy on work immigration. In the same way as in the case of the security approach of the PP, the PSOE is performing ceremonial accounting of their laboralized approach.

What seems to be the common ground between the two dominating parties is the belief that strongly communicating their intent to strictly persecute irregular immigration policy actually put off would be immigrants from the idea of leaving their home countries in the third world. For instance the central argument of the newly elected PSOE government in 2004 was “without legality, integration is not possible” (Rumí 2004, author’s translation). This may be interpreted as attempts to use symbolism in order to obtain the goal of reducing the inflow of immigration, i.e.

consciously taking advantage of myths. Still, it is argued here that the credibility of these statements is doubtful.

5.3.2 Decoupling of Rhetoric and Actions on the Spanish Immigration Policy Field

It is argued that the dispute of the relative importance of the calling effect and the pushing effect has been a central prerequisite for the general debate concerning the dynamics of migration. The calling effect means the symbolic messages which might induce third world residents to attempt to migrate to certain western countries. The pushing effects on the other hand, include the elements which force the same people to leave their home countries (Zapata-Barrero 2008:129). In order to prevent further illegal immigration from third world countries, Spanish politicians are attempting not to make statements that may provoke calling effects. One of these attempts has consisted of stating that no more mass regularization processes will take place in Spain. However, there seems to be evidence of decoupling concerning these statements, mainly because of the sheer number of regularized immigrants during the past two decades. When nearly 600 000 irregular immigrants obtained work and residence permits during the normalization process of 2005, it is argued that the guarantees against further mass regularizations might not have the desired effects. In addition, the possibility for individual “arraigo” regularization still exists. It must therefore be assumed that the symbolic messages stating no tolerance for irregularity are less than credible; Spanish politicians’ actions have not corresponded with their statements concerning this issue.

As a part of the efforts to deter irregular immigration, formal readmission treaties have been put in place with many countries of origin. However, there are strong indications that this measure is mainly vindicated as a symbolic gesture. It is underscored that it is a scarcely used measure in reality, particularly for immigrants from farther countries of origin. For instance, Bolivians represent the most important community of irregular immigrants in Spain. As one single expulsion of a Bolivian irregular immigrant costs between 5000 and 6000 €, this naturally poses serious problems for Spanish public budget. Therefore, it is suspected that expulsions do not

represent a prioritized solution in practice. Instead, it is proposed that this measure should be interpreted as a decoupling of formal structure and actual practice.

5.3.3 “There Is no Alternative”: Toughness on Immigration

In the contemporary political climate in Europe, it seems as the only viable solution for parties is to signal the desire for tougher measures in order to stem immigration. More or less rightist parties have gained significant support from election groups which earlier would have voted for traditional labor parties to the left. Even leftist parties, the Spanish PSOE included, have adopted similar rhetoric on immigration policy as the populist parties to the right on immigration issues. In this way, the toughness myth has gained so much ideational power in the institutional environment that political leaders believe that “there is no alternative” (Christensen and Lægreid 2008:12-13). This shows the strong deterministic potential of myths in the institutional environment. The main motivation for adopting this position is mainly to halt electoral leakages to the right. But there might not be too many reasons for immigration hostile voters to choose a centre-left party anyway. It seems as the discourse of the general immigration policy debate is being carried out on the populists’ premises. It could be claimed that this evolution illustrates the ideational power of rationalized myths in modern society. For a number of reasons, putting in place as many obstacles as possible for entering and staying in developed countries for immigrants from the third world has come to be the dominating idea. When ideas become dominating in the institutional environment, it is very hard to resist them, and institutional actors are compelled to, at least superficially, adopt them. Contradictory ideas on immigration policy are commonly discarded as representing a naïve approach. Parties which are not communicating tough enough visions for immigration policy risk performing poorly in elections.

That possibilities for contracting irregular immigrants have survived, regardless of the official policy of the government in office, strongly indicates that the toughness myth is a really a myth in the Spanish case. In practice, tougher formal measures might not have large effects. In this way, the instrumental view of the change of direction in

Spanish immigration policy is challenged, as the restrictions may not reflect a change in goals/means perceptions in the PSOE. Instead, it is proposed that the change towards more restrictions from 2008, are more the result of pressures from the institutional environment. It is therefore proposed that the formal strict policy is and has been decoupled from practice on the immigration field. The myth perspective asserts that this decoupling permits Spain to adjust activities to its need, i.e., tolerating irregularity because of the demand of labor. On the other hand, it enables the ruling party to “maintain standardized, legitimating, formal structures” which are required by the institutional environment (Meyer and Rowan 1991:58). The motivation for signaling a tougher stance on immigration is therefore interpreted as a response to the institutional environment, and not as a premeditated instrumental adjustment of policy.

5.3.4 The European Union Composing the Institutional Environment of the Spanish Immigration Policy Field

The very limited results of the reorganizations and rebranding of Spanish immigration policy make the myth perspective explanation plausible, as they have seemed to have a larger communicative value than real effects on irregularity. For instance, the boat immigrant crisis of 2006 was generally perceived as an affirmation of the importance of physical border control when fighting irregular immigration. This includes patrols of the ocean between the Canary Islands and the African coast, sophisticated sensors and cooperation with the sending states of boat immigrants. In many ways, these are valid solutions, as the crossing attempts factually were on the rise during this period, which also led to big losses of human lives. Nevertheless, the reaction in the media and in the general public in Europe that accused the Spanish state of losing its capacity to effectively control its borders and thereby guaranteeing the nation's survival, seem to have been even more significant for the answer of the Spanish government. This indicates that the crisis was first and foremost a crisis of legitimacy of the Spanish state in relation to the institutional environment. By applying all the measures mentioned above, which are taken for granted as rational by both Spanish voters, by the European Union and by other Member States, the government sent a symbolic message that it was on top of the situation. However, that the measures are taken for

granted as rational does not mean that they actually have an impact on the numbers of irregular immigrants in Spain; it is likely that they are rationalized myths. Independent of the efficacy of procedures defined by rationalized concepts of organizational work, Spain had to incorporate them in order to guard the state's legitimacy (Meyer and Rowan 1991:41). By acting in accordance to the expectations of the institutional environment, further scrutiny of the Spanish immigration system was avoided.

Indeed, the waves of boat immigrants to the Canary Islands have decreased dramatically since the crisis of 2006. But as has been underscored earlier in this study, only a very small proportion of immigrants who have entered Spain are boat immigrants, and this was true even during the crisis. The mentioned measures can therefore logically not have large effects on the total amount of irregular immigration to the country. In this way, the argument that the solutions represent rationalized myths is strengthened. However, the socially constructed reality does not have to accurately reflect objective facts like this. Accordingly, the boat immigrant problem has been defined as the most important concern in Spanish immigration policy. Stated concerns for the safety of the boat immigrants do not seem particularly convincing, as the most common way of describing the arrivals was by employing threatening connotations like "invasion" or "avalanche" (Ospina 2008:357, author's translation). As the crisis has passed, and Spain has succeeded to stem the boat immigration, with financial and logistical aid from the European Union, the country is able to show in ceremonial inspections that it is pursuing rationalized immigration control policies.

It can be argued that this represents a clear example of a difference between what happens on the front stage, and what happens on the back stage, as it is described in the myth perspective. The boat immigrant crisis was very visible, and therefore on the front stage of European politics and media, which made it extremely important for Spanish politicians to do something about it. As noted, the immense majority of irregular immigrants enter Spain by normal means of transport. But as these entries take place back stage it is not as relevant for institutional actors. By applying rationalized solutions to the boat immigrant problem on the front stage, Spain displays significant ceremonial conformity. In this way, the Spanish government has been able

to avoid further losses of legitimacy without having obtained much in actually persecuting irregular immigration in itself.

An important explanation of the influence of the European Union on the Spanish immigration policy field lies in the power of the institutional environment. Firstly, the very strict immigration law of 1985 is hard to understand from a purely instrumental approach, as Spain did not at the time experience any significant immigration. It could possibly be stated that this strictness was an expression of proactive thinking amongst Spanish politicians who wanted a harsh immigration law from the outset. However, this study has, partly as expected, not been able to reveal evidence of such instrumental planning by Spanish leaders before the passing of the immigration law 1985. In addition, if Spanish politicians were to act rationally and foreseeing at this stage, it does not seem logical to pass a law that would make it virtually impossible for employers in the expanding Spanish economy to legally contract foreign unskilled labor. Explaining this law with a myth perspective approach therefore seems strengthened, especially as studies have shown that the European Union is a very powerful provider of rationalized myths (Christensen et al 2004:73).

When it comes to prestigious ideas, the power-relation between Spain and the European Community at the time may in addition have contributed to the Spanish acceptance of European standards on the immigration policy field from the outset. After all, it is best to behave in accordance to the norms when one is aspiring to join an exclusive club. The entry of Spain into the union was to be the ultimate certification of the country as a modern, democratic and dynamic state, and the culmination of the democratization process that started nearly a decade earlier. The prospect of obtaining such a prestigious evaluation assessment was probably more attractive than the possibility of shaping a comprehensive and independent immigration policy. Again, immigration was not even a particular challenge at the time.

Further, there is high confidence in formal organization in temporary society (Meyer and Rowan 1991:44). In the case of Spain entering the European Union, this has meant that the formal adaptation of the Spanish immigration law induced trust of Spain not becoming a hole in the European immigration fence (Ospina 2008:313). But that this formal organization often takes the form of myths, which are not dependent

on outcomes, is seldom as clearly visible as in the case of establishing a formally strict immigration policy in Spain from 1985 onwards. It seems as Spain accepted the communitarian norms for immigration policy apparently based on their face value, as they were legitimized by the most important myth producer in Spain's institutional environment, the European Union. Applying such a standardized approach to immigration can be regarded as a tendency towards institutional isomorphism (Powell and DiMaggio 1991:66).

Modern organizations, which include nation-states, are also sensitive to and employ external ceremonial criteria of worth, in order to legitimate themselves in the environment and demonstrate socially their organizational fitness. When it comes to European common immigration policy, it is argued that the most important external assessment criterion is the admittance of a country into the Schengen Area, as this is treated by the institutional environment as proof of the firm border control in the candidate country. In this way, being a formally accepted Member State in the Schengen Area guarantees on some aspects against serious questioning of a country's immigration policy. It is argued here that as long as Spain has not violated the formal prerequisites of the Schengen Treaty, the country's immigration system has not been the object of serious external assessments.

The partner countries of Spain in the European Union have not until very recently criticized the Spanish labor market system, which is a more significant reason for the irregular immigration to Spain than loose border controls. From a myth perspective, it may be argued that the negligence of evaluating the Spanish economy as a producer of irregularity is related to the significant economic growth, which Spain experienced simultaneously as the increase in irregular immigration. Economic growth is one of the most powerful rationalized myths in western society (Christensen and Røvik 1999:16). Therefore, the economic growth of Spain may have served as a proof for the institutional environment that everything was in order with all relevant aspects of the national economy. Irregular immigration has been a moderate but significant contributor to the sectors which have driven this Spanish economic take-off. Consequently, posing questions about the premises for economic growth, which is uniformly appraised as a virtue in the institutional environment, has not taken place.

When it comes to the criticism of the economies of Spain and other countries of Southern Europe as the financial crisis currently unfolds, it is interesting to observe how the persisting irregularities of these economies suddenly are regarded as fundamental problems. Conjoined with the rationalized security approaches of immigration policy, the economic growth myth has probably contributed to the external border control focus of Spanish immigration policy.

5.3.5 Immigration Policy Myths as Viruses and Instrumental Manipulation of the Institutional Environment

In opposition to the assumption of decoupling asserted in the classical myth perspective above, the effects of the toughness on immigration myth are not dismissed from the outset in an interpretation according to the virus theory. As it is underscored in the alternative version of the myth perspective, myths might function like viruses, which need a certain time of incubation before an eventual outbreak (Røvik 2007:349). It is possible to track use of anti-immigration rhetoric in national Spanish politics to the campaign preceding the general elections of 2000, when the Partido Popular was the first party to emphasize the need for significantly tougher immigration policy. As this discourse has become increasingly dominant in Spanish society, both the general public and other political parties have been influenced by it. As it is expressed in the virus theory of the alternative myth perspective; they have been contaminated. In addition, it might be suspected that this particular myth is being exploited by the government to divert the public from more deep-seated problems as the condition of the national economy. But in this view, the apparent reactionary turn on immigration in Spanish politics is not just a question of conforming ceremonially to demands of the institutional environment. Instead, it is proposed that the harsher rhetoric has actually had an influence on realities on the ground. Even if the repatriation treaties mentioned are scarcely used, the PSOE government has also introduced other retrenchment measures in the immigration law reform of 2009, like restraining the right of family reunion, and prolonging the internment period for apprehended irregular immigrants. It is argued that these measures have very real effects on the daily lives of immigrants. This is even true for legal immigrants, as the

possibility for living with their families is diminished. However, it is argued that these effects possibly serve as substitutes for a superior goal. What still may be doubted is whether these measures actually will have effects in deterring would be irregular immigrants from entering Spain.

In addition, it is possible to interpret the shift in immigration discourse as an expression of Spanish politicians who have come to regard the communitarian European goals of immigration policy as their own. This might be a result of the virulent potential of rationalized myths. Further, Spain is also actively pushing the European Union to take responsibility of the external Spanish border control and to provide a larger part of necessary finances and logistics (De la Vega 2006). Moreover, the Spanish PSOE government has been attempting to export its laboralized approaches of immigration flow management to the European Union. The goal of this is to achieve communitarian agreements for work permits and readmission treaties with third countries, similar to the bilateral agreements which Spain has struck. Accordingly, it is affirmed that myth dynamics represent a two way relationship. In this way, it may be argued that Spanish leaders are able to manipulate the myths to their advantage, as it is asserted in Røvik's alternative elaboration of the myth perspective, and are not just passive victims of them.

6 Conclusion

6.1 Main Findings

The most important challenge in Spanish immigration policy has throughout the period from 1985 up until today been the fight against irregular immigration. It has been argued that the particular dynamics of the Spanish economy to a certain degree have shaped the country's immigration system. In the agrarian, construction and service sectors, abundant demands for unskilled labor have in many ways trumped the formally strict border control measures and visa regulations. These have probably based their continuing presence on the relative ease of finding irregular work, the general tolerance of their presence and the hope of future regularization processes. Accordingly, the increased immigration has coincided with a prolonged period of expansion in the Spanish economy. Two main approaches have been applied to meet this basic challenge: The security approach and the labor approach.

The security approach includes measures as border control, visa regulations, internment and expulsion of irregular immigrants, and readmission treaties with countries of origin and transit. From the outset, this approach seems to have been the dominant one, as the immigration law of 1985 marked the strict exclusion of any foreigners that did not hold the valid permits to stay or to work in Spain. As Spain at the time did not experience much immigration, the intention of the law was seemingly to accommodate the future partners in the European Community, which Spain entered the following year.

In the labor approach of immigration policy, a recurring objective for Spanish politicians, regardless of political color, has been to invent functioning systems for legal work immigration. In this approach, it is assessed that the most efficient way to fight irregular immigration is providing realistic possibilities for legal work immigration. The labor approach seems to have had a nascent period from 2004 onwards, when a functioning system for contracting workers in their countries of origin was materialized. However, the functioning of this particular system is difficult

to judge as Spain in the meantime has entered a catastrophic economic recession, which has limited the list of occupations in demand of labor.

Various regularizations have been put in place in order to reduce the number of irregular immigrants living and working in Spain. As eligible immigrants necessarily have traversed periods of irregularity, this specific solution must be said to reflect a severely restricted ability amongst Spanish legislators to foresee and implement measures to halt irregular immigration before it grows out of control. The fact that several such processes have taken place strengthens the impression of reactive, rather than proactive politicians. Further, other measures, like the annual quota system for foreign workers to enter legally to work in Spain, also functioned for a long time in this reactive manner. This is because nearly all immigrants who were selected in the program already lived irregularly in Spain. The central dilemma of the regularization processes is that they clearly oppose short term goals to longer term goals in immigration policy. As an advantage, they have eased social pressure and, as large groups of undocumented persons might introduce a general feeling of insecurity in society, while irregular immigrants themselves have to lead unfavorable clandestine lives. In addition, the regularizations include an obvious economic incentive for Spanish governments, whereas regularized immigrants mean tax-paying immigrants. The problem is that with each regularization process, the vow of it being the last of its kind grows less credible. In this way, the longer term immigration policy goal of showing a firm attitude in the fight against irregular immigration is undermined.

The impression of the immigrant admission policy as an exclusive domain of the central government is ruptured by more recent devolutions of competence from the state towards the autonomous communities. Catalonia has been the first autonomous community which has obtained the competence to issue work permits, which is a central aspect of admission policy. The case of devolution to Catalonia might potentially signify an evolution towards decreasing central coordination on the policy field if the system will be expanded to other Autonomous Communities as well.

Winning coalitions of Spanish immigration policy have varied, from the ones favoring a liberal policy to the ones favoring more restrictions and tighter control. The rightist PP has been consistent in its reactionary stance. However, it has been unable or

unwilling to seriously implement its tough stance, as the growth of irregularity increased during its reign from 1996 to 2004. The take-off of the Spanish economy at the time probably induced further irregular immigration, as demands for unskilled labor boomed. What the PP government achieved in economic growth, might in turn have undermined what the same party perceives as a central subgoal, namely strict and efficient border control.

The socialist PSOE has seemingly had a more double faced approach, whereas it is the government party that was the first to succeed in creating a potentially successful system for legally contracting third country nationals. The process leading to this reform was visibly a result of a winning coalition within the Economic and Social Council (CES). Here, both the labor unions and the employers' organizations were able to invest in their common interests on immigration policy. Together with a general sentiment that favored the labor-oriented side in the PSOE in that something had to be done with the foundations of the immigration system, it was possible to go through with the new regulation. On the other hand, readmission treaties for irregular immigrants with the countries that were to be eligible for the contracting system were imposed simultaneously. Consequently, this shows a certain compromise between different camps within the PSOE.

In addition, the economic crisis seems to have skewed the balance of power within the PSOE. The party has pursued a tougher stance on immigration than earlier, especially since the arrival in office of the current minister of Labor and Immigration Celestino Corbacho 2008. However, it is difficult to assess if this shift in the power of definition on immigration in the ruling PSOE is to be treated as a populist answer to the current economic crisis. As an alternative, it might be a part of the general trend of an evolution in the approach to the immigration policy that has been visible amongst centre left parties throughout Europe. The most interesting aspect of this strategy is that these parties have adopted the rhetoric and practice that was earlier the exclusive domain of populist parties of the right. Critical voices though, underscore the risk in pursuing this strategy and assert that "immigration hostile voters won't vote for the PSOE when they can vote for the original, the PP" (Saliba 2010 [telephone interview], author's translation).

As the case of the passing of the first immigration law revealed, the European Union has exerted considerable external pressure when it comes to delimiting the options available for Spanish politicians on the immigration policy field. It has been affirmed that the European Union has been the most important myth producer in the institutional environment of the Spanish immigration policy field. However, Spain has been able to take advantage of loopholes of the country's formal immigration cooperation commitments. For instance, the regularization processes which have taken place in Spain clearly ran counter to the wishes of Spain's partners in the EU.

6.2 Theoretical Implications

To a large extent, the above section sums up the answer to the first part of this study's research question, which was *what are the changes in the Spanish immigration policy and in the administrative organization of the policy field since 1985 up until today?* In this section, the answer to the second part of the research question will be given. This was *how well do the three perspectives from organizational theory account for these changes?*

It is concluded, no single one perspective of organizational theory has been able to account for all of the aspects of the Spanish immigration policy field. It is argued that this study has strengthened the position which asserts that the perspectives of organizational theory are best regarded as complementary approaches. By combining them, it has been possible to shed light on different aspects of Spanish immigration policy. The instrumental perspective was useful in explaining official policy and changes of formal structure. But it has not been able to explain the persisting irregularities in the immigration system in Spain. Instead, the cultural perspective has captured the essence of these aspects. Here, the immigration policy field has been studied in light of the institutionalized informalities of the Spanish economy and labor market. Finally, the myth perspective has been crucial for revealing the great importance which Spain has attributed to the demands of the institutional environment. This might have to do with the particularities of the immigration phenomenon; the reasons for international migration are not easily influenced by national politicians in receiving countries. At the same time, the politics of immigration are often laden with

symbols. In combination, these elements create a demand for rationalized solutions. Further it has been showed that the European Union is a dominating provider of these solutions on the Spanish immigration policy field. Finally, it is concluded that this study has showed possibilities for institutional actors, as an individual country, may influence the institutional environment, in this case the European Union. Altogether, this indicates that the perspectives of organizational theory are suitable for studying complex policy fields.

Spain certainly faces very serious problems at the moment in relation to the national economy. If the large irregular immigration has been a symptom of an inflexible and ill adjusted economy, a better functioning immigration system in the future might serve as an indicator that the country is finally adjusting to a more knowledge intensive economy.

7 Literature

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